

Report on the

# **State of Alabama Board of Podiatry**

**Montgomery, Alabama**



## **Department of Examiners of Public Accounts**

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**STATE OF ALABAMA**  
Department of  
**EXAMINERS OF PUBLIC ACCOUNTS**

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June 20, 2007

Senator Larry Dixon  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

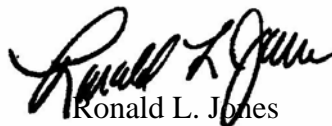
Dear Senator Dixon:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Podiatry in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Podiatry, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones  
Chief Examiner

Examiners  
Glenn Davis  
Robin Hutcheson



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## **PROFILE**

### **Purpose/Authority**

The Board of Podiatry was created by Act No. 741, *Acts of Alabama 1967*. The board regulates the practice of podiatry in Alabama by licensing and regulating podiatrists. The legal authority for operation of the board is found in the *Code of Alabama 1975*, Sections 34-24-230 through 34-24-276. Additionally, the *Code of Alabama 1975*, Sections 20-2-2 and 20-2-50 through 20-2-58 provides legal authority for the board to certify and inspect podiatrists who prescribe controlled substances in order to determine the podiatrists' compliance with Alabama's Controlled Substances Act.

### **Characteristics**

<b>Members and Selection</b>	7 (seven) members appointed by the Governor. <i>Code of Alabama 1975</i> , § 34-24-250 (a)
<b>Term</b>	5 Five (5) years (staggered) and until successors are appointed and qualified.  Cannot be reappointed to a successive term;  Previous members are eligible for non-successive appointments.  <i>Code of Alabama 1975</i> , § 34-24-250 (a)
<b>Qualifications</b>	United States and Alabama citizenship, Over the age of 25, Engaged in the actual continuous practice of podiatry in the Alabama for at least five years next preceding appointment.  <i>Code of Alabama 1975</i> , § 34-24-250.
<b>Racial Representation</b>	At least one black member at all times.  One (1) black female currently on the board.  <i>Code of Alabama 1975</i> , § 34-24-250 (b)

<b>Geographical Representation</b>	No Statutory Requirement
<b>Consumer Representation</b>	No Statutory Requirement
<b>Other Representation</b>	No Statutory Requirement
<b>Compensation</b>	<p>\$300 per day while engaged in the discharge of official duties</p> <p>Travel expenses as provided to state employees.</p> <p><i>Code of Alabama 1975, § 34-24-253</i></p>
<b><u>Operations</u></b>	
<b>Administrator</b>	<p>Keith Warren, Executive Director</p> <p>Executive director included in contract with Warren and Company Inc. for facilities, equipment, and administrative services</p> <p>Annual Contract Amount - \$2,500.00 monthly</p> <p>Term of most recent contract - 1/1/05 through 12/30/06 with total contract amount of \$60,000. No contract currently. Being paid at same rate. Approval by board for emergency contract on 5/21/07.</p>
<b>Location</b>	<p>610 South McDonough St.</p> <p>Montgomery, AL 36104</p>
<b>Examinations</b>	<p>Semi-annually in January/February and June/July.</p> <p>State law exam is prepared, administered, and graded by Warren and Co., Inc.</p> <p>National exam (PM Lexis) is prepared, administered, and graded by the National Association of Podiatric Boards.</p> <p><i>Code of Alabama 1975, § 34-24-255 (b)</i></p> <p>During the 2005 and 2006 calendar years, nineteen (19) applicants sat for and passed both parts of the examination.</p>

	(data not available for prior periods)
<b>Renewals</b>	<p>Annually on September 30.</p> <p>Grace period of thirty-one days for renewal upon payment of an additional fee of \$300.00.</p> <p>No date specified by law for lapsing of license due to non-renewal.</p> <p><i>Code of Alabama 1975, § 34-24-275</i></p>
<b>Licensees</b>	<b>164 licensees</b> at 2/23/07
<b>Reciprocity</b>	<p>Persons licensed in other states with the following qualifications: (all set by administrative rule)</p> <ul style="list-style-type: none"> <li>‣ At least twenty-one years of age</li> <li>‣ Citizen of the United States</li> <li>‣ Of good moral character</li> <li>‣ Graduate of college of podiatry accredited by the American Podiatric Medical Association (APMA)</li> <li>‣ Completed podiatric residency or preceptorship program approved by the APMA or the board</li> <li>‣ Successful completion of examination by licensing state provided that state recognizes licenses issued by the Alabama State Board of Podiatry</li> <li>‣ Examination of state law as presented in Administrative Rule 730-X-3-.01(1)</li> <li>‣ Payment of the application fee as prescribed by the board with notarized application containing the proper required certification</li> <li>‣ Written statements of character from each: <ul style="list-style-type: none"> <li>Podiatrist licensed in Alabama.</li> <li>Another podiatrist.</li> <li>A podiatrist or layman.</li> </ul> </li> </ul> <p>Relocate office to Alabama for the full-time practice within twelve (12) months, unless otherwise allowed by the board.</p> <p><i>Code of Alabama 1975, § 34-24-272</i></p> <p><i>Alabama Administrative Code, 730-X-3-.03.</i></p>



<b>Continuing Education</b>	<p>12 hours obtained at the annual state meeting of the Alabama Podiatry Association or any other continuing education program approved by the board.</p> <p>Completion of the required continuing education is a prerequisite for license renewal</p> <p><i>Code of Alabama 1975, § 34-24-275.</i></p>
<b>Employees</b>	<p>None.</p> <p>Administrative services are provided by Warren and Co. Inc. under contract.</p>
<b>Legal Counsel</b>	<p>Randolph Reaves 200 S. Lawrence St. Montgomery, AL</p> <p>Private attorney, by contract Two (2) year contract not to exceed \$17,000 total Contract period – 10/1/05 through 9/30/07</p>
<b>Subpoena Power</b>	<p>Yes; both witnesses and documents.</p> <p><i>Code of Alabama 1975, § 34-24-276.</i></p>
<b>Internet Presence</b>	<p><a href="http://www.alabamapodiatryboard.org">www.alabamapodiatryboard.org</a></p> <p>Includes:</p> <ul style="list-style-type: none"> <li>- Board Members</li> <li>- Current Licensees</li> <li>- Practice Act</li> <li>- Rules &amp; Regulations</li> <li>- Board News</li> <li>- Board Calendar</li> <li>- Contact Information</li> </ul>

<b>Attended Board Member Training</b>	Four (4) board members on 4/27/2005
<b><u>Financial</u></b>	
<b>Source of Funds</b>	Licensure fees
<b>State Treasury</b>	No – operates from bank checking account  <i>Code of Alabama 1975, § 34-24-258.</i>
<b>Unused Funds</b>	Unused funds in excess of \$50,000 at fiscal year end must be paid into the state's General Fund.  <i>Code of Alabama 1975, § 34-24-253.</i>

## **SIGNIFICANT ITEMS**

### **(1) Contract discrepancies:**

Administrative Services Contract - Although the board's contract with its administrative services provider has expired, the contractor continues to provide services and to be paid. The board contracted with Warren and Co., Inc. for a period of two years beginning January 2005 through December 2006 at the annual rate of \$30,000 in twelve monthly payments of \$2,500. The contract expired December 31, 2006 without renewal. When notified of the discrepancy, the executive director stated the contract was scheduled to be addressed at the April 27, 2007 meeting of the board at which time he would seek an emergency contract until the board completed the bid process for a new contract. An emergency contract was approved at the board's May 18, 2007 meeting.

Legal Services Contract - The board's legal counsel billed the board for services at a rate exceeding the contracted amount. During a review of disbursements it was noted that on fifteen (15) occasions during the period July 2005 through January 2007 the board's contracted legal counsel billed the board for services performed by law clerks and paralegals at the rate of \$45.00 per hour, a rate in excess of the contracted limit, resulting in an overpayment in the amount of \$279.95. Upon notification of the overpayment, the legal counsel immediately reimbursed the board for the entire amount of overpayment.

### **(2) The terms of three of the board's seven members have expired on 3/25/05, 3/25/06, and 3/25/07.** The members are continuing to serve until new appointments are made by the Governor. Two board members responding to our questionnaire mentioned this issue as significant.

- (3) **The board's offices were closed April 6, 2007 in observance of Good Friday, which was not a state holiday.** State law in the *Code of Alabama 1975*, Section 1-3-8 provides for and names the state holidays. On other days, state offices are required to be open for business. Since the contract with Warren & Company specifies that the contractor will conduct the affairs of the board in accordance with state law and regulations, the contractor is obligated to keep the board's office open on days that are not state holidays.
- (4) **The board by administrative rule set quorum requirements which are not in accord with its enabling statutes.** The *Code of Alabama 1975*, Section 34-24-251 provides that, "...A majority of the members of said board shall constitute a quorum for the transaction of business; and, should a quorum not be present on the day appointed for any meeting, those present may adjourn from day to day until a quorum is present.?"

The board's Administrative Rule 730-X-1-.03 (2) states, "At least four (4) members of the Board shall constitute a quorum and as such shall be competent to act." In addition, the board's Administrative Rule 730-X-4-.04(1)(a) states, "A quorum of the board necessary to decide contested cases is set at five (5) members."

Attorney General's Opinion 93-95 states, "It has generally been held that if there is a vacancy in the membership of a board, the majority of the remaining members will suffice for a quorum. Since vacant positions are not counted to obtain a majority, the number of members necessary to achieve a majority will vary with the number of vacancies. Any administrative rule setting an unchangeable number of members as a quorum will therefore not be in harmony with the statutes. Also, since the majority of members is four (4) when all positions are filled, a quorum requirement of five (5) members would always exceed the quorum provided by law.

The board filed notices of intended action and certification with the Legislative Reference service on May 21, 2007 to correct this discrepancy.

- (5) **The board has an administrative rule requiring United States citizenship for its licensees which may be unconstitutional and does not conform to the podiatric licensing law.** Although the citizenship requirement was removed from the podiatric licensing law in 1997, the requirement continues through the board's administrative rule.

The board's Administrative Rule 730-X-3-.01 states, "The Board may issue a license to practice podiatry to applicants who possess the following qualifications: (a) At least twenty-one (21) years of age or over, **a citizen of the United States**, and of good moral character..."

The U. S. Supreme Court has held that refusal of a professional license based solely upon lack of citizenship is unconstitutional. In *re Griffiths*, 413 U. S. 717 (1973), the United States Supreme Court held that exclusion of aliens from the practice of law

violates the Equal Protection Clause of the Fourteenth Amendment. Also, the U. S. Supreme Court in Examining Board v. Flores De Otero, 426 U. S. 572 (1976) held that "The statutory restriction on the ability of aliens to engage in the otherwise lawful private practice of civil engineering is plainly unconstitutional."

**(6) The board submitted HB216 in the 2007 session sponsored by Representative Sanderford which would have made the following amendments to the podiatry licensing law:**

- Authorize the board to hold meetings at its discretion rather than annually.
- Change the title of the executive of the board from executive secretary to executive director.
- Increase the maximum amount of administrative fines the board may impose from \$1,000 to \$2,000.
- Increase the reserve funds of the board from \$50,000 to \$100,000.
- Repeal the requirement that the president and administrative secretary of the board execute a bond before serving
- Expand the disciplinary powers of the board to include sexual misconduct as a reason for taking disciplinary action.
- Expand disciplinary options to include reprimanding a licensee, limiting a license, not renewing a license, or denying application for a license.
- Authorize any member of the board to countersign checks along with the secretary-treasurer of the board.
- Delete or repeal antiquated and duplicative provisions.

The bill did not become law.

## **STATUS OF PRIOR FINDINGS**

Prior findings have been resolved with the exception of the following:

- (1) Lag times for deposits of fees were sometimes excessive, unnecessarily increasing the risk of loss or misuse of state funds.** In a sample of 8 deposit days (153 checks) received during the current license renewal period, three checks were held for 50 days prior to deposit, three for sixteen days, three for thirteen days, and two for nine days. There was no recorded date of receipt for nine checks.

**Current Status** - Deposit delays remain excessive. A review of checks received from March 2005 through November 2006 indicated one-hundred thirty-six (136) checks were held for periods ranging from eight (8) days to forty-nine (49) days prior to being deposited.

- (2) In the previous review, we found that all of the board's records were not being maintained at the offices of Warren & Co., Inc., as required by the board's contract with Warren & Company, Inc.** We found that according to Warren & Co., complaint files are kept at the offices of the board's attorney. Also, the board's treasurer holds the board's checkbook, check register, and documents supporting disbursements. At the end of the fiscal year, it was planned that the documents would

be given to Warren and Co. Inc. for filing.

State law in the *Code of Alabama 1975*, Section 36-12-2 provides that, “All public officers and servants shall correctly make and accurately keep in and for their respective offices or places of business all such books or sets of books, documents, files, papers, letters and copies of letters as at all times shall afford full and detailed information in reference to the activities or business required to be done or carried on by such officer or servant and from which the actual status and condition of such activities and business can be ascertained without extraneous information, and all of the books, documents, files, papers, letters, and copies of letters so made and kept shall be carefully protected and safely preserved and guarded from mutilation, loss or destruction.”

**Current Status** – Although the board’s contract with Warren and Company was amended to remove the requirement for Warren and Company to perform general accounting duties for the board, the contract still provides that, “...The Consultant will act as its recording and corresponding secretary and **will have custody of and shall safeguard and keep in good order all property and records of the Board**; cause written minutes of every meeting of the Board to be kept in the Book of Minutes of this Board; act as Treasurer and receive and deposit all funds to the credit of the “Board of Podiatry Fund” in the State Treasury or an account designated by the Board of Podiatry;...”

Warren and Company collects and deposits all fees and fines for the board but does not make disbursements from the board’s checking account. Warren and company does not maintain the board’s checkbook and associated records. In response to inquiry, the executive secretary stated that financial information is forwarded to the board’s office monthly, once the account has been reconciled by the board’s treasurer.

All complaint files continue to be maintained in the offices of the board’s attorney rather than in the board’s offices at Warren and Company. In response, the executive director stated that the board had reviewed this item and determined that the original complaints should be stored in the offices of the board’s attorney.

- (3) **The board does not examine or license applicants in the manner prescribed by its enabling statutes.** The administrative assistant performs the entire examination and licensing process without input from the board. The board examines applicants only on knowledge of Alabama statutes and the board's administrative rules. Knowledge of podiatry is tested by national examination. The board's administrative assistant prepares the Alabama examination, proctors the examination, grades the examination, and then issues the certificate upon completion of the other licensing requirements and payment of fees. This procedure is not in accordance with examination procedures prescribed by law.

The *Code of Alabama 1975*, Section 34-24-256 states that, "The State Board of Podiatry shall on the day of the examination furnish each applicant with official blank paper, of uniform size, which size shall not vary but be kept uniform from year to year, and such official paper shall be paid for out of any funds received from fees paid by applicants. Before taking the examination, each applicant shall

register his name and post office address, with such other facts as the board may require, and each applicant shall be given a number under which he shall be examined, which number shall be endorsed on the register, which must be kept securely by the secretary-treasurer of said board. Within 10 days after the grading of papers, each member of the board shall forward all papers graded by him to the secretary-treasurer."

In current practice, the applicant places his/her name on the cover sheet of the exam. No numbers are issued, the board members do not proctor or grade the exam, and the secretary-treasurer does not receive the graded papers.

**Current Status** – The condition remains.

**(4) In a prior review, we found the following deficiencies in the board's operations that indicated it was not as well acquainted as it should be with applicable laws and regulations governing administrative matters.**

**A. The board improperly set licensing and controlled substance fees without regard to the state's Administrative Procedure Act.**

The board's enabling statutes authorize the board to establish most of the fees for its operations. The state's Administrative Procedure Act (*Code of Alabama 1975*, Section 41-22-1 to 27) requires that regulations of the board, such as the establishment of fee amounts, must be accomplished through one or more administrative rules adopted and implemented by the board according to the procedures for rule making found in the Administrative Procedure Act. These procedures include a period of public notification and approval by the Legislative Council.

The board adopted a rule establishing a maximum fee for application, examination, licensure, and controlled substance permitting. The rule does not state the specific amount of fees to be charged.

The board's rule 730-X-3-.10 states, "Applicants for licensure to practice podiatry shall pay the following fees:

- (1) Application fee of not more than \$200;
- (2) State examination fee of not more than \$200;
- (3) License fee of not more than \$400;
- (4) Controlled Substance fee of not more than \$50"

In addition, the board is authorized by law to charge a fee for reexamination and a fee for license renewal. No amount or limit is specified either in the law or in the board's rules for these fees.

The board sets and changes the specific fee amounts during its meetings without processing these actions as rules. Because the setting of the specific amount of fees meets the definition of an administrative rule, the Administrative Procedure Act requires the setting of specific fee amounts to be processed as one or more administrative rules adopted and implemented according to procedures required

by the Administrative Procedure Act.

The *Code of Alabama 1975*, Section 41-22-3 (Administrative Procedure Act) defines a rule as, "Each agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule or by federal statute or by federal rule or regulation;..."

**Current Status** - On January 9, 2007 the board filed a notice of intended action to amend Rule 730-X-3-.10 to include all fees assessed at their exact amount. The amended rule would set fees as follows:

- ▶ Initial license fee - \$100.00
- ▶ State examination fee - \$100.00
- ▶ License renewal fee - \$100.00
- ▶ Controlled Substance Initial and Renewal fee - \$50.00
- ▶ Late license renewal fee - \$300.00

The board filed appropriate notices and certifications with the Legislative Reference Service on May 21, 2007 to correct these discrepancies.

**B. The board's administrative rules provided to licensees and posted on the board's Internet website were not current.**

Two of the board's rules (730-X-3-.02 and 730-X-3-.04) have an incorrect office address, 5220 Meadow Brook Road, Birmingham. The current address is 610 South McDonough St., Montgomery, AL.

Rule 730-X-1-.06 (1) (g) states, "prescribe the form and content of the oral examination required by law, govern the conduct of such examination and set the standards of said **oral examination**." The statute provided as the authority for this rule is Section 34-24-255. There is no mention of oral examination in any of the board's current enabling statutes. The *Code of Alabama 1975*, Section 34-24-255 (a) requires that "... the standard examination shall test the knowledge of the applicant of the Podiatry Practice Act and the Rules and Regulations of the board."

**Current Status** - On January 9, 2007 the board filed a notice of intended action to amend Rule 730-X-3-.02 and Rule 730-X-3-.04 to correct the board's address.

Notice of intended action to correct reference to an oral examination in Rule 730-X-1-.06 (1) (g) was filed on May 21, 2007.

**C. Incorrect application of travel law continues.**

The past three legal compliance examinations by the Examiners of Public Accounts contained findings of improper application of state law providing

for travel expense reimbursement, which resulted in overpayments and underpayments to members of the board. These discrepancies were corrected as a result of the examinations. However, the discrepancies continue to be created. All in-state travel claims submitted during the period 10/1/2001 through 9/30/2003 (four) were calculated and paid incorrectly, causing underpayments of \$16.05 plus the improper payment of Ms. Clark's actual expenses for a hotel stay during a board meeting.

**Current Status** – This condition has not been completely corrected. During a review of in-state travel claims, the examiner found that on three occasions (1 on 4/21/06 and 2 on 1/19/07), board members were paid daily meal allowances for travel lasting less than the required six hours, resulting in an overpayment of travel expense reimbursement to the board members. The *Code of Alabama 1975*, Section 36-7-20(b) states that, “**No travel allowance shall be paid for a trip of less than six hours' duration.** For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of 15 percent of the regular per diem rate for a trip of from six to 12 hours' duration, and for travel in excess of 12 hours' duration, the traveler shall be paid one meal allowance and one-fourth of the per diem allowance.”

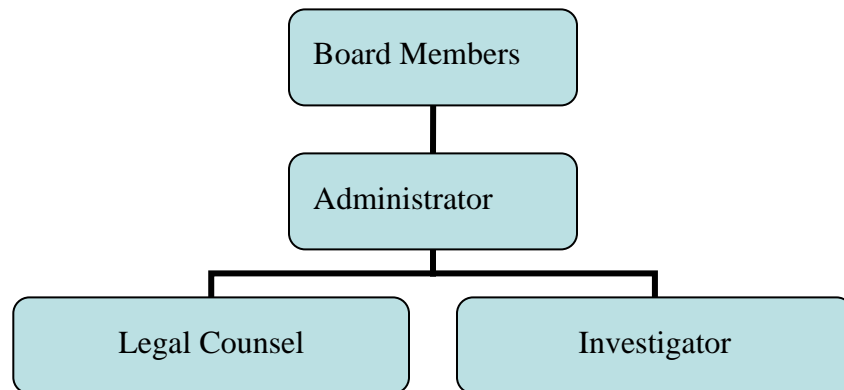
**D. Discrepancies in the accuracy and completeness of records were found in the previous examination and continued in the current examination**

There were no books of account in which to record financial transactions. Financial transactions were recorded on check stubs and during the previous examination and were frequently inconsistent and difficult to decipher. This condition continued in the current examination.

**Current Status** - This condition has not been resolved. There are no books of account. Bank account transactions continue to be recorded on check stubs. The board's treasurer (a board member) maintains the board's checkbook and supporting documentation.



## **ORGANIZATION**



## **PERSONNEL**

The board contracts for its administrative services as follows:

The board contracts with Warren and Co., Inc. to provide an executive officer; and administrative, accounting, and clerical services. These services are included in the board's contract for office facilities and equipment. For the two-year period, January 2005 through December 2006 the contract amount was \$60,000.00. The board has continued to pay Warren and Co., Inc. at the contract rate (\$2,500 per month) pending execution of a new contract. On May 21, 2007, the board approved an emergency contract with Warren & Co., Inc. to provide the same services at the same rate of compensation.

The board contracts with Hiltz Professional Services for inspections of controlled substance registrants and complaint investigation services. The contract provides for compensation at \$30.00 per hour up to a maximum of \$12,000, plus reimbursement of expenses as incurred and mileage at .40¢ per mile up to \$3,000.00 for a contract maximum of \$15,000 covering the period of September 1, 2005 through September 30, 2007.

The board has also contracted with attorney Randolph Reaves for legal services. Reaves' compensation as the board's legal counsel is billed at \$100 per hour. Compensation for the services of legal clerks and paralegals is billed at no more than \$30 per hour. The contract covers the period October 1, 2005 through September 30, 2007. The contract is capped at \$15,000 for the contract period.

## **PERFORMANCE CHARACTERISTICS**

### **Number of Persons per Licensee in Alabama and surrounding States**

	<b><u>Population (Estimate)</u></b>	<b><u>Number of Licensees</u></b>	<b><u>Persons per Licensee</u></b>
<i>Alabama</i>	<i>4,599,030</i>	<i>164*</i>	<i>28,043</i>
Florida	18,089,888	1,689	10,710
Georgia	9,363,941	489	19,149
Mississippi	2,910,540	89	32,703
Tennessee	6,038,803	227	26,603

Source: U.S. Census July 2006 estimates.

\* As of February 23, 2007

### **Operating Disbursements per Licensee (2005-2006 fiscal year)** \$314.68

### **Notification to Licensees of Board decisions to Amend Administrative Rules**

The board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not individually notified of proposed changes.

### **Inspections**

The board does not conduct inspections.

### **Complaints**

The board's administrative rules in Section 730-X-4 provide the procedures for documentation, receipt, and investigation of complaints relating to board licensees' and illegal practices. From the fiscal year 2003 to the present (03/30/07), the board recorded seventeen (17) complaints. The board's attorney retains the complaint files.

### **DISPOSITION OF COMPLAINTS**

<b>Fiscal Year</b>	<b>Number of Complaints Received</b>	<b>Number of Complaints Resolved</b>	<b>Pending*</b>	<b>Average Resolution Time</b>
<b>2003</b>	2	2		16 months
<b>2004</b>	4	2	2	18 months
<b>2005</b>	3	3		3 months
<b>2006</b>	7	5	2	7 months
<b>2007</b>	1	0	3	N/A

\*Complaint files reviewed indicated the board had four (4) unresolved complaints. Three (3) complaints remain under investigation, while the other complaint file (FY 2004) does not indicate any action.

### **Complaint Processing**

Complaints on file originated from either consumers or from the board. Complaints are processed as shown below::

<b>Initial Documentation</b>	Complaints are generally received by telephone and followed up by a letter from the complainant. The complainant is asked to provide facts concerning their complaint and is told that an investigator may call on them for additional information. The complainant is encouraged to supply all pertinent records, or obtain them from the podiatrist in question.
<b>Investigation</b>	<ul style="list-style-type: none"> <li>• If the letter from the complainant indicates a practice act violation, the investigator collects data.</li> <li>• The investigator works with the board's attorney and administrative assistant. If necessary, the Vice President of the board may be asked for assistance prior to the investigation.</li> <li>• At conclusion of the investigation, a report is written and submitted to the attorney who determines if the complaint has merit and decides how next to proceed.</li> </ul>
<b>Disposition of complaint</b>	Informal dispositions usually involve complaints about advertising violations, which are generally resolved by a consent agreements and administrative fines.

<b>Resolution</b>	<ul style="list-style-type: none"> <li>• If no probable cause exists, the complaint is closed and all parties are notified. In addition, depending on the nature of the problem (such as complaints involving excessive billing or personality situations), the complainant may be advised to forward the information to other appropriate authorities, such as the Alabama Podiatric Medical Association's Peer Review Committee.</li> <li>• The president of the board, or in his absence, the vice president of the board, or in his absence, the secretary-treasurer of the board, presides during hearings but may rely upon the assistance and advice of a hearing officer. A quorum of the board necessary to decide contested cases is set by administrative rule (730-X-4-.04(1)(a)) at five (5) members. In all instances in which a complaint has been filed with the board, one member of the board must be appointed the investigating officer. This board member shall assist in the investigation of the case, and if necessary, the prosecution of the case, and cannot vote at the hearing.</li> </ul> <p>An administrative fine of up to \$1,000 may be levied (<i>Code of Alabama 1975</i>, Section 34-24-252)</p>
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## **SMART BUDGETING**

The board operates from a bank checking account. Consequently, it is not subject to the requirements of the Department of Finance and does not participate in the state's SMART budgeting process.

## **REGULATION IN CONJUNCTION WITH OTHER ENTITIES**

Physicians, surgeons or persons authorized to practice the healing arts whose practice is otherwise provided under the laws of the state may be exempted from the podiatry practice act.

## **FINANCIAL INFORMATION**

### **Schedule of Fees**

<b>Description</b>	<b>Amount</b>	<b>Authority</b>	<b>Rule</b>
License fee of not more than \$400	\$400.00	34-24-275	730-X-3-.10
Application Fee of not more than \$200	\$100.00	34-24-255	730-X-3-.10
State Examination Fee of not more than \$100.00	\$100.00	34-24-255 (b)	730-X-3-.10
Non-refundable re-examination fee	\$100.00	34-24-255(b)	N/A

<b>Description</b>	<b>Amount</b>	<b>Authority</b>	<b>Rule</b>
Late license renewal penalty	\$300.00	34-24-275	730-X-3-.06
Special Certificate Fee	\$50.00	34-24-272	Amount specified in statute
Controlled Substance Renewal Fee	\$50.00	20-2-50	730-X-3-.08(4)
<b>Fines</b>			
Administrative fine - each violation not to exceed	\$1,000	34-24-252	Capped in law

**Schedule of Receipts, Disbursements, and Balances**

	<b>2005-06</b>	<b>2004-05</b>	<b>2003-04</b>	<b>2002-03</b>
<b><u>Receipts</u></b>				
Fees	\$ 63,840.00	\$ 67,300.00	\$ 34,510.00	74,100.00
Administrative Fines	5,030.00	1,750.00	-	-
Miscellaneous	383.62	253.56	655.86	1,047.88
Total	69,253.62	69,303.56	35,165.86	75,147.88
<b><u>Disbursements</u></b>				
Personnel	4,869.80	8,476.70	32,726.46	28,900.00
Travel in State	2,506.25	4,641.50	377.04	401.15
Travel out of State	1,057.81	1,516.47	-	1,812.04
Rentals and Leases	-	369.69	596.51	407.12
Utilities and Communication	-	1,392.63	2,978.03	3,865.92
Professional Services	37,058.97	30,732.22	7,202.04	11,927.92
Supplies and Operating Expenses	4,003.49	2,601.75	1,339.49	4,519.83
Other Equipment Purchases	-	-	559.97	688.00
Miscellaneous	2,103.00	752.78	135.40	2,703.85
Total	51,599.32	50,483.74	45,914.94	55,225.83
Excess (Deficiency) of Receipts over Disbursements	17,654.30	18,819.82	(10,749.08)	19,922.05
Cash Balances at Beginning of Year	32,400.83	13,581.01	24,330.09	4,408.04
Cash Balances at End of Year	50,055.13	32,400.83	13,581.01	24,330.09
Reserved for Unpaid Obligations	-	-	-	(600.00)
Unreserved Cash Balances at end of Year	\$ 50,055.13	\$ 32,400.83	\$ 13,581.01	\$ 23,730.09

*Operating Receipts Vs Operating Disbursements (Chart)*



## **QUESTIONNAIRES**

### **Board Member Questionnaire**

Questionnaires were sent to all seven (7) board members. All responded.

**1. What are the most significant issues currently facing the Board of Podiatry and how is the Board addressing these issues?**

1. "Three member's terms have expired. We have 4 of 7 members sitting. Other 3 not approved yet. One has been waiting since May 06."
2. "Patient/Doctor boundary issues. Will be submitting a bill this session."
3. "a) Board appointments not approved to date. b) Scope of practice to include ankle."
4. "That podiatrists have scope of practice laws that are antiquated and not consistent with the rest of the U.S.! The State Podiatry Association is working and drafting legislation to update this."
5. "In no particular order, 1) Awaiting appointments for members that were supposed to be serving the past 2 years. Now a third new member is awaiting appointment by the Governor. We are waiting patiently. 2) Improvement in scope of practice law which is extremely antiquated."
6. "Upgrading of practice act"
7. "Sunset issues from the past years to be cleaned up"

**2. What changes to the Board of Podiatry laws are needed?**

1. "Broader definitions or more encompassing use of ethics."
2. "As above, expansion of practice act to include ankle which would put us inline with most other states."
3. "The introduction of housekeeping legislation for current statutes to be updated will take place at Sunset."
4. "None that I can see"
5. "1) We are in need of a scope of practice law that includes the ankle joint and Achilles tendon. We are one of only 3 states in the United States that does not allow podiatrists to treat conditions of the ankle and Achilles. 2) Inclusion of podiatry in the physician definition."
6. "Upgrading practice act to standards of Georgia, Florida"
7. "Some minor changes in state bylaws and reciprocity"

**3. Is the Board of Podiatry adequately funded?**

7 Yes                      \_\_\_\_\_ No                      \_\_\_\_\_ Unknown                      \_\_\_\_\_ No Opinion

- 5) "For several years the members refused a stipend because of our financial situation. Now we have gone back to the original stipend to encourage better participation from podiatrists who would be more qualified to serve on the Board in the future."

**4. Is the Board of Podiatry adequately staffed?**

7 Yes                      \_\_\_\_\_ No                      \_\_\_\_\_ Unknown                      \_\_\_\_\_ No Opinion

- 3) "Administratively"
- 5) "But if we don't get the appointments from the governor we will be down to only 4 members this year. Two of the three members whose terms have expired have graciously sacrificed their time to help our profession above and beyond the call of duty. This could be quickly remedied."

**5. What is the purpose of your fiscal year end balance of unobligated funds?**

1. No response.
2. "Funds are held in reserve for license suspension and revocation hearings which can be costly."
3. "To retain all unobligated funds up to \$50,000.00 after the end of the fiscal year, and anything greater than \$50,000.00 to be returned to the general fund."
4. "To keep in reserve to be used in the event of unexpected costly litigation or other needs which may arise."
5. "Insurance to cover potential costs if the Board is sued, pay for Executive Director costs, pay for investigations into complaints raised against podiatrists, cover costs of legal counsel."
6. "To allow board to fund expenses of a hearing, legal costs, etc."
7. "Return to state any unused funds"



**Complainant Questionnaire**

Questionnaires were sent to fourteen (14) complainants. Four (4) responded.

**1. Was your complaint filed with the Board of Podiatry by:**

2 Mail      \_\_\_\_\_ Phone      \_\_\_\_\_ Fax      \_\_\_\_\_ Other      1 Unknown

4) Respondent #4 did not answer this question

**2. Was receipt of your complaint promptly acknowledged?**

3 Yes      \_\_\_\_\_ No      \_\_\_\_\_ Unknown

4) Respondent #4 did not answer this question

If yes, approximately how long after you filed your complaint were you contacted by the Board of Podiatry?

\_\_\_\_\_ Immediately      3 Within 10 days      \_\_\_\_\_ Within 20 days

\_\_\_\_\_ Within 30 days      \_\_\_\_\_ More than 30 days      \_\_\_\_\_ Did not respond

Unknown

**3. Was the employee who responded to your complaint knowledgeable and courteous?**

1 Knowledgeable      \_\_\_\_\_ Courteous      \_\_\_\_\_ Neither      2 Both

4) Respondent #4 did not answer this question

**4. Did the Board of Podiatry communicate the results of investigating your complaint to you?**

1 Yes      1 No      2 Unknown

2) Complainant #2 checked both “No” and “Unknown”.

4) Respondent #4 did not answer this question

**5. Do you think the Board of Podiatry did everything it could to resolve your complaint?**

1 Yes                      \_\_\_\_\_ No                      2 Unknown

4) Respondent #4 did not answer this question

**6. Were you satisfied with your dealings with the Board of Podiatry?**

2 Yes                      \_\_\_\_\_ No                      1 Unknown

2) Complainant #2 added "Result Unknown".

4) Respondent #4 did not answer this question but did provide the following communication: "I apologize for attending to this matter in an untimely fashion. It's been about eighteen months since I had brought a matter to the attention of the Board of Podiatry. This concerned the lack of the mandatory *disclaimer* in several display ads placed in a local newspaper by a young DPM. Honestly, I can't recall if the Board even acknowledged the receipt of the ads that I mailed to them – perhaps they did. A bit of history might be useful at this point. I had practiced most of my 18 odd years as a podiatrist in Montgomery – at an Atlanta Highway location. For the record, I've taken a different career path at this time. If you are a Montgomery native, then you might recall the name of XXXXXX XXXXXXX and his infamous XXX-XXXX advertising campaign that existed from approximately 1985 to the time of his license revocation in the early 1990's. I must tell you that this one individual sullied the reputation of all the podiatrists both in Montgomery and Dothan areas for an extended period of time. The dishonest advertising played a large part in the damage done by this one individual. I suspect that his actions and those of like-minded DPM's were part of the driving force behind the Podiatry Code amendment Re: display advertising *disclaimers*. My sole intent in informing the Board about the possible advertising violation was not to make life any more difficult for this DPM, but rather to (potentially) avoid another XXXXXX-type debacle. I'd like to point out that I seem to recall the Province of Ontario ceasing the issuance of any additional podiatry licenses in the early 1990's. And I also seem to recall reading in the USA Today newspaper in the early 1990's, possibly the summer of 1992, that a legislator in the State of Nevada had threatened the Podiatry Board with possible dissolution if they did not audit their members more carefully. Thoughtful and caring DPM's already have a plate full of challenges to deal with on a daily basis. They certainly don't need to revisit the advertising issue. Non-compliant DPM's should at least be given the opportunity to become compliant after notification – and perhaps a bit of historical education would give these individuals a broader perspective on the *disclaimer* issue, and a deeper respect for the law. But I seemingly recall that advertising code specifics have been incorporated into Alabama's Podiatry licensing test. If not, then perhaps they should be. While I don't practice at this time, I'd be in favor of all the health licensing

## Complainant Questionnaires

Boards publicly reporting the specifics of license investigations, including actions taken –to the general membership...on a yearly basis. The State of Mississippi used to do this if I recall correctly. Then at least all of the license holders are educated about topics/issues that have led to adverse license actions, rather than relying on hearsay and rumor.”



## **APPENDICES**

### **Statutes**

#### **ARTICLE 6. PODIATRISTS.**

##### **REFERENCES**

###### **ADMINISTRATIVE CODE**

18 Ala. Admin. Code 730-X-1-.01 et seq., Board of Podiatry; Advertising.

###### ***DIVISION 1. GENERAL PROVISIONS.***

##### **REFERENCES**

###### **CROSS REFERENCES**

As payment under insurance contracts, plans or agreements for health services of podiatrists for services performed, see § 27-1-15.

###### **ADMINISTRATIVE CODE**

18 Ala. Admin. Code 730-X-4-.01 et seq., Board of Podiatry; Disciplinary Actions, Hearings and Appeals.

###### **§ 34-24-230. Definitions.** [References](#) [Annotations](#)

For purposes of this title, the following terms shall have the respective meanings ascribed by this section:

(1) Podiatry. The diagnosis and treatment of disorders of the human foot, as described herein.

(2) Practice of podiatry. The diagnosis and medical or surgical or mechanical or manipulative or electrical treatment of any ailment of the human foot except such definition does not include the amputation of the foot or the administering of an anesthetic other than local.

(3) Diagnosis. The process of ascertaining a disease or ailment by its general symptoms.

(4) Medical treatment. The application to or prescription for the foot of pads, adhesives, felt, plaster or any medicinal agency for both external and internal use in connection with treatment of local ailments of the human foot, except such definition does not include the medical treatment of any systemic disease, but does allow treating the local manifestations of those systemic diseases in the foot.

(5) Surgical treatment. The use of any cutting instrument to treat a disease, ailment or condition of the human foot as defined herein, except that a podiatrist shall not be authorized to amputate the human foot, or perform any surgery on the human body at or above the ankle joint, or administer anesthetics other than local anesthetics.

(6) Mechanical treatment. The application of any mechanical appliance made of steel, leather, felt or any material to the foot or in the shoe for the purpose of treating any disease, deformity or ailment.

(7) Manipulative treatment. The use of the hand or machinery in the operation or working upon the foot and its articulations.

(8) Electrical Treatment. Any treatment by means and methods supplied by

electric current.

(9) Human foot. The terminal appendage of the lower extremity. It contains 26 bones and is divided into three parts -- the forefoot, the midfoot, and the hindfoot. The forefoot consists of 14 phalanges and five metatarsals. The midfoot consists of five tarsal bones and their articulations. The hindfoot consists of two tarsal bones, the calcaneus and the talus. The foot is defined as including all 26 complete boney structures below the ankle joint, which ankle joint consists of the distal tibia and fibula and their articulations with the talus. The distal aspect of the tibia and fibula, the achilles tendon, and all structures above the dome of the talus reside within the leg.

(Acts 1967, No. 741, p. 1586, § 1; Acts 1971, No. 2427, p. 3870, § 1; Acts 1975, No. 1199, p. 2376, § 1; Acts 1982, No. 82-437, p. 687, § 1; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, § 1.)

## REFERENCES

### ADMINISTRATIVE CODE

18 Ala. Admin. Code 730-X-2-.01 et seq., Board of Podiatry; Definitions.

### RESEARCH REFERENCES

ALR Library

12 ALR 5th 1, Medical Malpractice: Who Are "Health Care Providers," or the Like, Whose Actions Fall Within Statutes Specifically Governing Actions and Damages for Medical Malpractice.

Encyclopedias

69 Am. Jur. Proof of Facts 3d 1, Proof of Social Security Disability Claim.

## ANNOTATIONS

### CASENOTES

Construction of terms 1

Impairment of foot 4

Prescription of medicine by podiatrist 3

Relationship with other laws 2

#### **1. Construction of terms**

The phrase "or any medicinal agency" is also in the disjunctive, and it must be deemed to refer to the words "prescription for the foot." State Licensing Bd. for Healing Arts v. Alabama Bd. of Podiatry, 287 Ala. 132, 249 So.2d 611 (Ala.1971).

The words "application to" must refer to the application to the foot of pads, adhesives, felt and plaster. State Licensing Bd. for Healing Arts v. Alabama Bd. of Podiatry, 287 Ala. 132, 249 So.2d 611 (Ala.1971).

#### **2. Relationship with other laws**

Legislature intended to exclude podiatrists from the Medical Liability Act's coverage. Sellers v. Picou, 474 So.2d 667 (Ala.1985). Health 688

#### **3. Prescription of medicine by podiatrist**

It cannot be reasonably concluded that the Legislature, having authorized a podiatrist to perform limited surgery on the human foot, did not intend that a podiatrist could not prescribe medicine to discourage infection, to abate swelling and to alleviate pain resulting from treatment of the local disease of the foot, whether such medicine be taken internally or applied externally. State Licensing Bd. for Healing Arts v. Alabama Bd. of Podiatry, 287 Ala. 132, 249 So.2d 611 (Ala.1971).

#### 4. Impairment of foot

Podiatrist's opinions constituted those of treating source, for purposes of determining claimant's eligibility for disability insurance benefits and supplemental security income (SSI) benefits, only to extent they addressed impairments of foot, and thus podiatrist's finding that claimant's pain was disabling was not conclusive, where claimant attributed much of pain she experienced to her ankles, legs and hips. *James v. Barnhart*, 2003 WL 21107297 (S.D.Ala.2003). Social Security And Public Welfare ☒ 143.65

#### **§ 34-24-231. False or misleading statements in advertisements.** [References](#)

It shall be unlawful for any person engaged in the practice of podiatry in this state to print or cause to be printed, or circulate or cause to be circulated, or publish or cause to be published, by any means whatsoever, any advertisement or circular in which appears any untruthful, impossible or improbable or misleading statement or statements, or anything calculated or intended to mislead or deceive the public.

(Acts 1967, No. 741, p. 1586, § 18.)

#### REFERENCES

#### LIBRARY REFERENCES

##### **American Digest System:**

Physicians and Surgeons ☒ 10.

##### **Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

#### **§ 34-24-232. Grandfather clause.** [References](#)

Any person who has been engaged in the actual practice of podiatry in this state for at least three full years immediately prior to October 1, 1967, and is of good moral character, shall have 120 days from and after appointment of the first State Board of Podiatry in which to make declaration to the secretary-treasurer of said board, on a blank form to be furnished by said board, of his intention to continue the practice of podiatry in this state and his willingness to take such limited examination in podiatry as the said board may prescribe for the purpose of determining that he is qualified to practice podiatry without jeopardizing the public welfare. Any person serving in the military or naval forces of the United States who was engaged in the practice of podiatry in this state prior to his entering such service shall be considered as being engaged in the practice of podiatry during the time he is in such service. Those engaged in the practice of podiatry in this state as specified in this section who fail to make such declaration shall be deemed to have waived their right under the provisions of this section. Those referred to as privileged to make declaration to the secretary-treasurer of the said board of their intention to continue the practice of podiatry in this state may hereafter be referred to as declarants. Any person who holds a valid license to practice chiropody as provided under Act No. 140, Regular Session 1945, shall be eligible to become a declarant and shall be licensed to practice podiatry in this state, without examination, upon payment to the board of a registration fee of \$25.00, which license shall be subject to renewal as provided in this article.

(Acts 1967, No. 741, p. 1586, § 20.)

#### REFERENCES

#### LIBRARY REFERENCES

##### **American Digest System:**

Physicians and Surgeons ☒ 4.

**Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

**§ 34-24-233. Exemptions. [References](#) [Annotations](#)**

Nothing in this article shall be construed as applying to physicians, surgeons or persons authorized to practice the healing arts as otherwise provided under the laws of the State of Alabama. No person who qualifies for a certificate of license under this article shall be subject to examination by the State Board of Medical Examiners.

(Acts 1967, No. 741, p. 1586, § 17; Acts 1975, No. 1199, p. 2376, § 6.)

**REFERENCES**

**LIBRARY REFERENCES**

**American Digest System:**

Physicians and Surgeons ☒5(1).

**Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

**ANNOTATIONS**

**CASENOTES**

Generally 1

**1. Generally**

Legislature intended to exclude podiatrists from the Medical Liability Act's coverage. Sellers v. Picou, 474 So.2d 667 (Ala.1985). Health ☒ 688

**Cited** in State Licensing Board for Healing Arts v. Alabama Board of Podiatry, 287 Ala. 132, 249 So.2d 611 (1971).

**§ 34-24-234. Penalties for violations. [References](#)**

Whoever violates any of the provisions of this article wherein the doing of such act is declared to be unlawful is guilty of a misdemeanor and on conviction shall be fined not less than \$100.00 nor more than \$1,000.00, or may be sentenced to hard labor for the county or imprisoned for not more than six months.

(Acts 1967, No. 741, p. 1586, § 19.)

**REFERENCES**

**LIBRARY REFERENCES**

**American Digest System:**

Physicians and Surgeons ☒6(1).

**Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 28.

***DIVISION 2. BOARD OF PODIATRY.***

**REFERENCES**

**ADMINISTRATIVE CODE**

18 Ala. Admin. Code 730-X-1-.01 et seq., Board of Podiatry; Organization and Administration.

**§ 34-24-250. Appointment; composition; qualifications of members; terms of office; removal of members; vacancies; one black member required.**

[Historical Notes](#) [References](#) [Annotations](#)

(a) The Governor of Alabama shall appoint a State Board of Podiatry consisting of seven persons, each of whom shall be a citizen of the United States and of Alabama, over



the age of 25, and shall have been engaged in the actual continuous practice of podiatry in the State of Alabama for at least five years next preceding his appointment. One member of said board shall be appointed each year, with the exception of three members being appointed every fifth year starting in 1979, for terms of five years and until their successors are appointed and qualified. No member of the board shall be reappointed for a successive term; previous board members will be eligible for nonsuccessive appointments. The Governor may remove from office at any time any member of the board for neglect of duty, incompetency, improper or unprofessional conduct or when the license or certificate of any member has been suspended or revoked. Vacancies on said board shall be filled by appointment by the Governor in the manner hereinbefore provided. The Governor shall furnish each member of said board at the time of his appointment a certificate of appointment, and said appointee shall qualify by taking the usual oath of office before the judge of probate of his home county within 15 days from the date of his appointment.

(b) After April 6, 1993, each vacant office occurring shall be first offered to each available black licensee until a black member is appointed to the board. When a black member is appointed to the board, thereafter appointments shall be made in such a manner as to ensure at least one black member on the board at all times.

(Acts 1967, No. 741, p. 1586, § 3; Acts 1979, No. 79-601, p. 1065, § 1; Acts 1993, No. 93-156, p. 233, § 3.)

## **HISTORICAL NOTES HISTORY**

### **Amendment notes:**

**The 1993 amendment**, effective April 6, 1993, inserted the subsection (a) designation, and added subsection (b).

### **Code Commissioner's Notes**

Section 2 of Acts 1989, No. 89-242 provides: "The existence and functioning of the Board of Podiatry, created and functioning pursuant to sections 34-24-230 through 34-24-276, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved."

Acts 1993, No. 93-156 provides: "The existence and functioning of the Board of Podiatry, created and functioning pursuant to Sections 34-24-250 to 34-24-276, inclusive, is continued, and those code sections are expressly preserved."

Acts 1997, No. 97-159, § 2, provides: "The existence and functioning of the State Board of Podiatry, created and functioning pursuant to Sections 34-24-230 to 34-24-276, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2001-253, § 2 provides: "The existence and functioning of the State Board of Podiatry, created and functioning pursuant to Sections 34-24-230 to 34-24-276, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2005-72, § 2 provides: "The existence and functioning of the State Board of Podiatry, created and functioning pursuant to Sections 34-24-250 through 34-24-276, Code of Alabama 1975, is continued until October 1, 2006, and those code sections are expressly preserved."

Act 2006-156, § 2 provides: "The existence and functioning of the State Board of Podiatry, created and functioning pursuant to Sections 34-24-230 to 34-24-276, inclusive,

Code of Alabama 1975, is continued, and those code sections are expressly preserved, until October 1, 2008."

#### REFERENCES

##### LIBRARY REFERENCES

**American Digest System:**

Physicians and Surgeons ☒5(1); States ☒45.

**Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18; States §§ 79-80, 82, 136.

##### RESEARCH REFERENCES

ALR Library

12 ALR 5th 1, Medical Malpractice: Who Are "Health Care Providers," or the Like, Whose Actions Fall Within Statutes Specifically Governing Actions and Damages for Medical Malpractice.

#### ANNOTATIONS

##### CASENOTES

Generally 1

**1. Generally**

Legislature intended to exclude podiatrists from the Medical Liability Act's coverage. *Sellers v. Picou*, 474 So.2d 667 (Ala.1985). Health ☒ 688

**Cited** in *State Licensing Board for Healing Arts v. Alabama Board of Podiatry*, 287 Ala. 132, 249 So.2d 611 (1971).

**§ 34-24-251. Meetings; quorum.** [References](#) [Annotations](#)

The State Board of Podiatry shall hold an annual meeting at such time and place as it may designate for the examination of applicants for licenses or certificates and for the discharge of all such other business as may legally come before it, and may hold such additional meetings, on call of the president of said board, and the president shall call such meetings on petition of a majority of the members of said board, as may be necessary for the examination of the applicants for licenses or certificates, or for carrying into effect the provisions of this article; and at these meetings said board may transact any and all business that may legally come before it. The secretary-treasurer shall transact all ad interim business for said board unless otherwise specified in this article. A majority of the members of said board shall constitute a quorum for the transaction of business; and, should a quorum not be present on the day appointed for any meeting, those present may adjourn from day to day until a quorum is present.

(Acts 1967, No. 741, p. 1586, § 4; Acts 1989, No. 89-242, p. 342, § 3.)

#### REFERENCES

##### LIBRARY REFERENCES

**American Digest System:**

Physicians and Surgeons ☒5(1).

**Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

#### ANNOTATIONS

##### CASENOTES

**Cited** in *State Licensing Board for Healing Arts v. Alabama Board of Podiatry*, 287 Ala. 132, 249 So.2d 611 (1971).

The State Board of Podiatry shall be the certifying board for podiatrists and shall have the exclusive power and authority to certify and to issue, suspend, revoke, and reinstate all licenses or certificates authorizing the licensee to practice podiatry in the State of Alabama, and shall have the following authorities and shall perform the following duties:

(1) To promulgate any rules and regulations for its government as it may deem necessary and proper; and for purposes of disciplining its licensees, in addition to any other powers of the board, the board may adopt and collect administrative fines, not to exceed \$1,000 per violation, and may institute any legal proceedings necessary to effect compliance with this chapter.

(2) To provide a standard of efficiency as to the moral, educational, and experience qualifications and fitness for all persons who desire to practice podiatry in this state.

(3) To elect annually one of its members as president, one as vice-president, and one as secretary-treasurer, who shall hold their respective offices for one year and until their successors are elected and qualified. If a vacancy occurs in either of the three offices, a special meeting of the board shall be called for the purpose of filling the vacancy for the unexpired term.

(4) To administer any oaths and take any affidavits as are required by this article, certifying thereto under its hand and the seal of the board.

(5) To assist in the prosecution of violations of this article.

(6) To appoint or employ a legal adviser or counsel, when deemed necessary, whose compensation shall be fixed by the board and paid in the same manner as the per diem and expenses of the board are paid.

(7) To adopt a common seal to be affixed to its official documents.

(8) To keep a record of its proceedings, a register of persons licensed as podiatrists, and a register of licenses and certificates by it revoked.

(9) To annually, on or before January 1, make a report to the Governor of Alabama of all its official acts during the preceding year, of its receipts and disbursements, a full and complete report of the condition of podiatry and the practice in this state, and to file duplicate copies of the report with the Secretary of State, the State Auditor, and the Alabama Department of Archives and History.

(10) To employ, when deemed necessary and without regard to the state Merit System, and set the salary of, an executive secretary who shall serve at the pleasure of the board and shall administer board policy. The executive secretary may be a licensee or member of the board.

(Acts 1967, No. 741, p. 1586, § 5; Acts 1987, No. 87-588, p. 970, § 1; Acts 1989, No. 89-242, p. 342, § 3; Acts 1993, No. 93-156, p. 233, § 3.)

#### HISTORICAL NOTES

#### HISTORY

#### Amendment notes:

**The 1993 amendment**, effective April 6, 1993, substituted "following authorities and shall perform the following duties" for "authority and it shall be its duty" in the introductory language; in subdivision (1) substituted "any rules" for "such rules," substituted "may adopt" for "is hereby specifically authorized to," and substituted "may"

for "is authorized to adopt"; in subdivision (3), in the second sentence substituted "If" for "Should," substituted "occurs" for "occur," deleted "herein provided for" following "three offices," and substituted "the vacancy" for "such vacancy"; in subdivision (4) substituted "any" for "such" in two places, and deleted "the provisions of" preceding "this article"; in subdivision (6) substituted "shall" for "to," and substituted "and paid" for "shall be paid"; deleted "and" preceding "revoked" in subdivision (8); in subdivision (9) deleted "and" following "year," deleted "and" following "disbursements," deleted "thereof" following "practice," and substituted "the report" for "such report"; and added subdivision (10).

#### REFERENCES

#### LIBRARY REFERENCES

**American Digest System:**

Physicians and Surgeons ☒5(1).

**Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

#### ANNOTATIONS

#### CASENOTES

**Cited** in State Licensing Board for Healing Arts v. Alabama Board of Podiatry, 287 Ala. 132, 249 So.2d 611 (1971).

#### **§ 34-24-253. Compensation of members; disposition of funds realized from fees.**

[Historical Notes](#)   [References](#)

The members of the State Board of Podiatry shall each be entitled to receive the same per diem and travel allowance as is paid by law for state employees for each day actually employed in the discharge of their official duties, in addition to any daily compensation or allowance, if any, as may be provided by the board, in such amount as may be determined by the board out of the funds realized from the fees provided for in this article. Should the funds in the hands of the board at the end of any fiscal year be more than fifty thousand dollars (\$50,000), the excess of this amount shall be paid into the General Fund in the State Treasury.

(Acts 1967, No. 741, p. 1586, § 6; Acts 1985, No. 85-359, p. 300, § 3; Acts 1989, No. 89-242, p. 342, § 3; Act 2001-253, p. 305, § 3.)

#### HISTORICAL NOTES

#### HISTORY

**Amendment notes:**

he 2001 amendment, effective April 19, 2001, substituted "fifty thousand dollars (\$50,000)" for "\$10,000.00".

#### REFERENCES

#### LIBRARY REFERENCES

**American Digest System:**

Physicians and Surgeons ☒5(1).

**Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

#### **§ 34-24-254. Salary and bond of secretary-treasurer.** [References](#)

The secretary-treasurer of the State Board of Podiatry shall be paid such salary, in addition to per diem and his necessary expenses, as may be fixed by said board, which shall be payable solely from the funds of the board. Before assuming the duties of his

office, he shall execute a bond payable to the State of Alabama, to be approved by the board, in the sum of \$10,000.00, conditioned upon the faithful discharge of the duties of his office; the premium for such bond shall be paid from the funds realized from the fees provided for in this article. Such bond, with the approval of the board and oath of office endorsed thereon, shall be filed with the Secretary of State and shall be kept in his office. (Acts 1967, No. 741, p. 1586, § 7; Acts 1989, No. 89-242, p. 342, § 3.)

## REFERENCES

### LIBRARY REFERENCES

#### **American Digest System:**

Physicians and Surgeons ☒5(1).

#### **Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

**§ 34-24-255. Examinations -- Required; qualifications of applicant; application; scope; contents; issuance of license; fees.** [Historical Notes](#) [References](#)  
[Annotations](#)

(a) Every person desiring to commence the practice of podiatry shall apply to the board and shall pay an application fee as established by the board. The applicant shall thereafter take and pass the standard examination provided in this article and fulfill the other requirements as herein provided. The applicant shall be 19 years of age or over, or the age as the board may by rule determine, of good moral character, shall be a graduate of a college of podiatry recognized by the American Podiatric Medical Association, shall have completed a podiatric residency approved by the American Podiatric Medical Association or by the State Board of Podiatry under its rules and regulations, shall have successfully passed all parts of the examination given by the National Board of Podiatric Examiners and shall be able to pass the standard examination prescribed by the State Board of Podiatry. The standard examination shall consist of tests in practical, theoretical, and physiological podiatry, in the anatomy and physiology of the human foot, and in pathology as applied to podiatry. In addition, the standard examination shall test the knowledge of the applicant of the Podiatry Practice Act and the rules and regulations of the board. The standard examination shall not be out of keeping with established teachings and adopted textbooks of recognized schools of podiatry. If the applicant satisfactorily passes the examination provided for he or she shall be issued a license to practice podiatry.

(b) The board may establish and collect an application fee and an examination fee from applicants for licensure, and a nonrefundable reexamination fee for a second or subsequent examination.

(Acts 1967, No. 741, p. 1586, § 8; Acts 1975, No. 1199, p. 2376, § 2; Acts 1985, No. 85-359, p. 300, § 3; Acts 1987, No. 87-588, p. 970, § 1; Acts 1989, No. 89-242, p. 342, § 3; Acts 1997, No. 97-159, p. 216, § 3; Act 98-366, p. 665, § 1.)

## HISTORICAL NOTES

### HISTORY

#### **Amendment notes:**

**The 1997 amendment**, effective March 26, 1997, in subsection (a), substituted "The" for "Such" and "the" for "such" throughout, substituted "shall" for "must" throughout, deleted "a citizen of the United States and" preceding "of good moral", inserted the fifth sentence, and inserted "or she"; and in subsection (b), substituted "may" for "is hereby

authorized to".

**The 1998 amendment**, effective July 1, 1998, in subsection (a), in the first sentence substituted "podiatry" for "podiatry, except as otherwise provided," and in the third sentence deleted "or preceptorship program" preceding "approved".

#### REFERENCES

#### LIBRARY REFERENCES

**American Digest System:**

Physicians and Surgeons ☒4, 5(1).

**Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18-20.

#### ANNOTATIONS

#### CASENOTES

**Cited** in State Licensing Board for Healing Arts v. Alabama Board of Podiatry, 287 Ala. 132, 249 So.2d 611 (1971).

#### § 34-24-256. Examinations -- Conduct. [References](#) [Annotations](#)

The State Board of Podiatry shall on the day of the examination furnish each applicant with official blank paper, of uniform size, which size shall not vary but be kept uniform from year to year, and such official paper shall be paid for out of any funds received from fees paid by applicants. Before taking the examination, each applicant shall register his name and post office address, with such other facts as the board may require, and each applicant shall be given a number under which he shall be examined, which number shall be endorsed on the register, which must be kept securely by the secretary-treasurer of said board. Within 10 days after the grading of papers, each member of the board shall forward all papers graded by him to the secretary-treasurer.

(Acts 1967, No. 741, p. 1586, § 9; Acts 1989, No. 89-242, p. 342, § 3.)

#### REFERENCES

#### LIBRARY REFERENCES

**American Digest System:**

Physicians and Surgeons ☒4.

**Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

#### ANNOTATIONS

#### CASENOTES

**Cited** in State Licensing Board for Healing Arts v. Alabama Board of Podiatry, 287 Ala. 132, 249 So.2d 611 (1971).

#### § 34-24-257. Examinations -- Second or subsequent examination. [References](#)

If any applicant fails to pass the standard examination, he shall, after six months and prior to 12 months from the date of said failure, be permitted to take a second or subsequent authorized examination upon the payment of an additional nonrefundable fee as determined by the board. Should he fail to pass the second examination, the fee which accompanied his original application shall be forfeited to the board, and he shall not be entitled to another examination without making a new application and paying the nonrefundable fee.

(Acts 1967, No. 741, p. 1586, § 10; Acts 1975, No. 1199, p. 2376, § 3; Acts 1985, No. 85-359, p. 300, § 3; Acts 1989, No. 89-242, p. 342, § 3.)

#### REFERENCES

## LIBRARY REFERENCES

### American Digest System:

Physicians and Surgeons ☒4.

### Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

**§ 34-24-258. Deposit and expenditure of funds of the board; bonds of officers; ratification of actions of existing bank account.** [Historical Notes](#) [References](#)

(a) All funds received by the board shall be deposited to the credit of the board in a federally insured bank selected by the board, and the execution and enforcement of this article and the payments of salaries, expenses, and other authorized costs shall be paid by checks drawn by the secretary-treasurer and countersigned by the president or the administrative secretary of the board.

(b) The president, administrative secretary, and secretary-treasurer shall give such bonds as the board from time to time directs.

(c) Any actions relating to any bank account of the board existing prior to March 26, 1997 are ratified and confirmed.

(Acts 1997, No. 97-159, p. 216, § 4.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section became effective March 26, 1997.

## REFERENCES

## LIBRARY REFERENCES

### American Digest System:

Physicians and Surgeons ☒5(1).

### Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

## ***DIVISION 3. LICENSES.***

## REFERENCES

## ADMINISTRATIVE CODE

18 Ala. Admin. Code 730-X-3-.01 et seq., Board of Podiatry; Certificate of Qualification.

**§ 34-24-270. Practicing podiatry without license; penalty.** [References](#)

Any person who shall practice podiatry in this state or hold himself out to the public as a podiatrist, or who shall in any sign or advertisement use the word "podiatrist," "foot specialist," "foot correctionist," "foot expert" or "chiroprapist" or any other term or terms or letters indicating that he is a podiatrist or that he practices or holds himself out as practicing podiatry or foot correction, without having at the time of so doing a valid certificate of qualification as provided in this article, shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense not less than \$50.00 nor more than \$500.00, and may be imprisoned for not less than one month nor more than three months. This article shall not prohibit the fitting, recommending, advertising, adjusting or the sale of corrective shoes, arch supports or similar mechanical appliances or patent or proprietary remedies by licensed retail drug or shoe dealers or manufacturers; but this exception shall not apply to the casting, molding or making of individual molded footwear



or devices, unless the same is made upon the prescription of a licensed physician or licensed podiatrist.

(Acts 1967, No. 741, p. 1586, § 2.)

## REFERENCES

### LIBRARY REFERENCES

#### **American Digest System:**

Physicians and Surgeons ☒6(1).

#### **Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 28.

**§ 34-24-271. License to podiatrist coming to this state; fee. Repealed by Act 98-366, p. 665, § 2, effective July 1, 1998. § 34-24-272. Special certificate. [Historical Notes](#)**  
[References](#)

Any person who is a legal, ethical, and competent practitioner of podiatry in this state, who has been duly examined and licensed by the State Board of Podiatry, and of good moral character and known to the board as such, who shall desire to change his or her residence to another state or territory, or foreign country, shall, upon application to the board and the payment of a fee of fifty dollars (\$50), receive a special certificate over the signature of the president and secretary-treasurer of said board and bearing its seal which shall give the date upon which he or she was registered and licensed.

(Acts 1967, No. 741, p. 1586, § 12; Acts 1985, No. 85-359, p. 300, § 3; Act 98-366, p. 665, § 1.)

## HISTORICAL NOTES

### HISTORY

#### **Amendment notes:**

**The 1998 amendment**, effective July 1, 1998, substituted "ethical," for "ethical", inserted "or her", substituted "to the board" for "to said board", substituted "fifty dollars (\$50)" for "\$50.00", deleted "attest the facts mentioned in section 34-24-271 and" preceding "give", and inserted "or she".

## REFERENCES

### LIBRARY REFERENCES

#### **American Digest System:**

Physicians and Surgeons ☒5(1).

#### **Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

**§ 34-24-273. Issuance; contents; display by holder. [References](#)**

Every applicant who shall pass the standard examination, or whose reciprocity has been accepted by the State Board of Podiatry, shall receive from said board a license entitling him to practice podiatry in Alabama, which license shall be signed by the president of the board and countersigned by the secretary-treasurer of the board and have affixed thereto the seal of the board and be duly numbered and registered in the record book kept by the secretary-treasurer of said board, which said record book shall be open to public inspection, and a duly certified copy of said record shall be received as evidence in all courts of this state in the trial of any case. Each person to whom a license has been issued shall keep said license conspicuously in his office or place of business and shall whenever required exhibit the license to any member or representative of the board.



(Acts 1967, No. 741, p. 1586, § 13.)

## REFERENCES LIBRARY REFERENCES

### American Digest System:

Physicians and Surgeons ☒5(1), 10.

### Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18, 53, 57.

**§ 34-24-274. kRecordation in probate office. Repealed by Acts 1989, No. 89-242, p. 342, § 6, effective April 6, 1989. § 34-24-275. Renewal; continuing education.**

### References

Every licensed podiatrist who desires to continue the practice of podiatry shall annually, on or before the first of October, pay to the secretary-treasurer of the state board a renewal registration fee in a reasonable amount set by the board and comply with such other conditions as may be prescribed by the State Board of Podiatry; provided, however, that said license shall be renewed within 30 days after October first, or the licensee shall pay the renewal registration fee and a penalty of \$300.00. Among the conditions to be prescribed by the State Board of Podiatry is the requirement that evidence be furnished by the applicant for renewal of completion of a continuing education program. Such program shall consist of no less than 12 hours, which shall be obtained at the annual state meeting of the Alabama Podiatry Association or any other continuing education program approved by the State Board of Podiatry. Any licensed podiatrist who is inactive in the practice of podiatry for a period of two years may have his license renewed to practice his profession on such conditions as may be prescribed by the State Board of Podiatry.

(Acts 1967, No. 741, p. 1586, § 15; Acts 1975, No. 1199, p. 2376, § 5; Acts 1979, No. 79-601, p. 1065, § 2; Acts 1985, No. 85-359, p. 300, § 3.)

## REFERENCES LIBRARY REFERENCES

### American Digest System:

Physicians and Surgeons ☒5(2).

### Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24.

**§ 34-24-276. Suspension or revocation; members of board immune from suit.**

### References    Annotations

A license issued to any person may be suspended for a definite period of time or revoked by the State Board of Podiatry for any of the following reasons:

(1) Conviction of any offense involving moral turpitude, in which case the record of conviction or a certified copy thereof certified by the clerk of the court or by the judge in which court the conviction is had shall be conclusive evidence of such conviction;

(2) For unprofessional conduct; "unprofessional conduct" shall mean any conduct of a character likely to deceive or defraud the public, lending his license by any licensed podiatrist to any person, the employment of "cappers," or "steerers" to obtain business, "splitting" or dividing a fee with any person or persons, the obtaining of any fee or compensation by fraud or misrepresentation, employing directly or indirectly

any suspended or unlicensed podiatrist to do any professional work, fraudulent or misleading advertising, the use of any advertising which does not include a disclaimer required by rules and regulations of the board, carrying the advertising of articles not connected with the profession, the employment of any drugs or medicines in his practice unless authorized to do so by the laws covering the practice of medicine of this state;

(3) When a license or certificate has been obtained by fraud, deceit or misrepresentation, whether knowingly or unknowingly practiced on the board;

(4) When the holder of a license or certificate is suffering from a contagious or infectious disease;

(5) Gross incompetency, wilful or wanton negligence or repeated negligence in the practice of podiatry;

(6) Intemperance in the use of intoxicating liquors or narcotics to such an extent as to unfit the holder of the license for the proper practice of podiatry;

(7) Failure to renew license and pay penalty as prescribed herein;

(8) Failure to comply with continuing education requirements prescribed herein;

(9) Violating any rule or regulation promulgated by the Board of Podiatry; or

(10) Disciplinary action taken by another state based upon acts by a licensee similar to acts described in this section which results in suspension or revocation of a license or certificate to practice podiatry in another state. A certified copy of the record of the disciplinary action of the state taking such an action shall be conclusive evidence thereof.

Whenever charges are preferred against any holder of a license, the board shall fix a time and place for the hearing of the same, and a copy of the charges, which must be made in writing, and verified by oath, together with a notice of the time and place where they will be heard and determined, shall be served upon the accused at least 10 days before the date fixed for said hearing. When personal service cannot be effected, the board shall cause to be published at least 30 days prior to the date set for the hearing in a newspaper published in the county in which accused was last known to practice a notice to the effect that at a definite time and place a hearing will be held by the board on charges preferred against said person. The board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books and records, documentary evidence and materials or other evidence; the accused shall have the right to be confronted by the person or persons preferring said charges, to cross-examine the witnesses against him, to be represented by counsel and to have the testimony taken down by a stenographer, but the expense of counsel and stenographer, either or both, shall be borne by the accused. Witnesses at hearings before the board shall testify under oath and may be sworn by any member of the board. In all cases of suspension or revocation of licenses as herein provided for, the holder may appeal to the circuit court, or other court of like jurisdiction, in the county in which the person whose license or certificate is ordered revoked resides.

Members of the Board of Podiatry or the members of any committee of podiatrists impaneled by the board, making any report or rendering any opinion or supplying any evidence or information or offering any testimony to the board in connection with a disciplinary investigation or action as authorized in this article shall be immune from suit for any conduct in the course of their official duties with respect to such investigations,


actions or hearings.

(Acts 1967, No. 741, p. 1586, § 16; Acts 1987, No. 87-588, p. 970, § 1.)

## REFERENCES

### LIBRARY REFERENCES

**American Digest System:**

Physicians and Surgeons 5(1), 11.

**Corpus Juris Secundum:**

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18, 35.

## ANNOTATIONS

### CASENOTES

**Cited** in State Licensing Board for Healing Arts v. Alabama Board of Podiatry, 287 Ala. 132, 249 So.2d 611 (1971).

**HB816 (2007 Session)**

- 1        87810-2
- 2        By Representative Sanderford
- 3        RFD: Health
- 4        First Read: 02-MAY-07

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, the practice of  
9 podiatry in the state is governed by the State  
10 Board of Podiatry.

11 This bill would further provide for the  
12 holding of meetings by the board.

13 This bill would change the title of the  
14 executive of the board from executive secretary to  
15 executive director.

16 This bill would increase the maximum amount  
17 of administrative fines the board may impose from  
18 \$1,000 to \$2,000.

19 This bill would increase the reserve funds  
20 of the board from \$50,000 to \$100,000.

21 This bill would repeal the requirement that  
22 certain officers of the board execute a bond before  
23 serving and would repeal specific provisions  
24 regarding the examination for licensure as a  
25 podiatrist.

26 This bill would delete or repeal antiquated  
27 and duplicative provisions.

1                               This bill would also expand the disciplinary  
2                               powers of the board and include sexual misconduct  
3                               as a reason for taking disciplinary action.  
4

5                               A BILL  
6                               TO BE ENTITLED  
7                               AN ACT  
8

9                               Relating to the Alabama State Board of Podiatry; to  
10                              amend Sections 34-24-251, 34-24-252, 34-24-253, 34-24-258, and  
11                              34-24-276, Code of Alabama 1975; to further provide for the  
12                              purpose of meetings by the board; to change the title of  
13                              executive secretary to executive director; to increase the  
14                              maximum amount of administrative fines the board may impose  
15                              from \$1,000 to \$2,000; to increase the reserve funds of the  
16                              board from \$50,000 to \$100,000; to delete the requirement that  
17                              certain officers execute bonds before serving; to delete  
18                              specific provisions pertaining to examination for licensure;  
19                              to delete antiquated and duplicative provisions; to expand the  
20                              disciplinary powers of the board; to include sexual misconduct  
21                              as a reason for disciplinary action; and to repeal Sections  
22                              34-24-232, 34-24-234, 34-24-254, 34-24-256, and 34-24-257,  
23                              Code of Alabama 1975.

24                              BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25                              Section 1. Sections 34-24-251, 34-24-252, 34-24-253,  
26                              34-24-258, and 34-24-276 of the Code of Alabama 1975, are  
27                              amended to read as follows:

1                   "§34-24-251.

2                   "The State Board of Podiatry shall hold ~~an annual~~  
3 ~~meeting~~ meetings at such ~~time and place as~~ times and places  
4 as the board may designate ~~for the examination of applicants~~  
5 ~~for licenses or certificates and~~ for the discharge of all ~~such~~  
6 ~~other~~ business as may legally come before it the board, and  
7 may hold ~~such~~ additional meetings, on call of the president of  
8 ~~said~~ the board, and the president shall call such meetings on  
9 petition of a majority of the members of ~~said~~ the board, a s  
10 may be necessary for the examination of the applicants for  
11 ~~licenses or certificates~~, or for carrying into effect the  
12 provisions of this article; ~~and at these meetings — said.~~ The  
13 board may transact any and all business that may legally come  
14 before it the board at these meetings, including, but not  
15 limited to, designating times and places for the examination  
16 of applicants for licenses or certificates. The  
17 secretary-treasurer shall transact all ad interim business for  
18 ~~said~~ the board unless otherwise specified in this article. A  
19 majority of the members of ~~said~~ the board shall constitute a  
20 quorum for the transaction of business; ~~and, should.~~ Should a  
21 quorum not be present on the day appointed for any meeting,  
22 those present may adjourn from day to day until a quorum is  
23 present.

24                   "§34-24-252.

25                   "The State Board of Podiatry shall be the certifying  
26 board for podiatrists and shall have the exclusive power and  
27 authority to certify and to issue, suspend, revoke, limit, and

1 reinstate all licenses or certificates authorizing the  
2 licensee to practice podiatry in the State of Alabama, and  
3 shall have the following authorities and shall perform the  
4 following duties:

5               "(1) To promulgate any rules and regulations for its  
6 government as it may deem necessary and proper; and for  
7 purposes of disciplining its licensees, in addition to any  
8 other powers of the board, the board may adopt and collect  
9 administrative fines, not to exceed ~~\$1,000~~ two thousand  
10 dollars (\$2,000) per violation, and may institute any legal  
11 proceedings necessary to effect compliance with this ~~chapter~~  
12 article.

13               "(2) To provide a standard of efficiency as to the  
14 moral, educational, and experience qualifications and fitness  
15 for all persons who desire to practice podiatry in this state.

16               "(3) To elect annually one of its members as  
17 president, one as vice-president, and one as  
18 secretary-treasurer, who shall hold their respective offices  
19 for one year and until their successors are elected and  
20 qualified. If a vacancy occurs in ~~either~~ any of the three  
21 offices, a special meeting of the board shall be called for  
22 the purpose of filling the vacancy for the unexpired term.

23               "(4) To administer any oaths and take any affidavits  
24 as are required by this article, certifying thereto under its  
25 hand and the seal of the board.

26               "(5) To assist in the prosecution of violations of  
27 this article.



1                   "(6) To appoint or employ a legal adviser or  
2                   counsel, when deemed necessary, whose compensation shall be  
3                   fixed by the board and paid in the same manner as the per diem  
4                   and expenses of the board are paid.

5                   "(7) To adopt a common seal to be affixed to its  
6                   official documents.

7                   "(8) To keep a record of its proceedings, a register  
8                   of persons licensed as podiatrists, and a register of licenses  
9                   and certificates ~~by it~~ revoked by the board.

10                  "(9) To annually, on or before January 1, make a  
11                  report to the Governor of Alabama of all its official acts  
12                  during the preceding year, of its receipts and disbursements,  
13                  a full and complete report of the condition of podiatry and  
14                  the practice in this state, and to file duplicate copies of  
15                  the report with the Secretary of State, the State Auditor, and  
16                  the Alabama Department of Archives and History.

17                  "(10) To employ, when deemed necessary and without  
18                  regard to the state Merit System, and set the salary of, an  
19                  executive ~~secretary~~ director who shall serve at the pleasure  
20                  of the board and shall administer board policy. The executive  
21                  ~~secretary~~ director may be a licensee or member of the board.

22                  "§34-24-253.

23                  "The members of the State Board of Podiatry shall  
24                  each be entitled to receive the same per diem and travel  
25                  allowance as is paid by law for state employees for each day  
26                  actually employed in the discharge of their official duties,  
27                  in addition to any daily compensation or allowance, if any, as

1 may be provided by the board, in such amount as may be  
2 determined by the board out of the funds realized from the  
3 fees provided for in this article. Should the funds in the  
4 hands of the board at the end of any fiscal year be more than  
5 ~~fifty thousand dollars (\$50,000)~~ one hundred thousand dollars  
6 (\$100,000), the excess of this amount shall be paid into the  
7 General Fund in the State Treasury.

8 "§34-24-258.

9 "~~(a)~~ All funds received by the board shall be  
10 deposited to the credit of the board in a federally insured  
11 bank selected by the board, and the execution and enforcement  
12 of this article and the payments of salaries, expenses, and  
13 other authorized costs shall be paid by checks drawn by the  
14 secretary-treasurer and countersigned by ~~the president or the~~  
15 ~~administrative secretary~~ a designated member of the board.

16 "~~(b)—The president, administrative secretary, and~~  
17 secretary treasurer shall give such bonds *as* the board from  
18 ~~time to time directs.~~

19 (c) Any ~~actions~~ relating to any bank account of the  
20 ~~board existing prior to March 26, 1997 are ratified and~~  
21 ~~confirmed.~~

22 "§34-24-276.

23 " (a) A license issued to any person may be suspended  
24 for a definite period of time or, revoked, or limited, or a  
25 licensee may be reprimanded, or an application for licensure  
26 or renewal of licensure may be denied by the State Board of  
27 Podiatry for any of the following reasons:

1                   "(1) Conviction of any offense involving moral  
2                   turpitude, in which case the record of conviction or a  
3                   certified copy thereof certified by the clerk of the court or  
4                   by the judge in which court the conviction is had shall be  
5                   conclusive evidence of such conviction;.

6                   "(2) ~~For unprofessional conduct; — "unprofessional~~  
7                   ~~conduct" — shall mean~~ Unprofessional conduct including any  
8                   conduct of a character likely to deceive or defraud the  
9                   public, lending his or her license ~~by any licensed podiatrist~~  
10                  to any person, the employment of "cappers," or "steerers" to  
11                  obtain business, "splitting" or dividing a fee with any person  
12                  or persons, the obtaining of any fee or compensation by fraud  
13                  or misrepresentation, employing directly or indirectly any  
14                  suspended or unlicensed podiatrist to do any professional  
15                  work, fraudulent or misleading advertising, the use of any  
16                  advertising which does not include a disclaimer required by  
17                  rules and regulations of the board, carrying the advertising  
18                  of articles not connected with the profession, the employment  
19                  of any drugs or medicines in his or her practice unless  
20                  authorized to do so by the laws covering the practice of  
21                  medicine of this state;.

22                  "(3) ~~When~~ Obtaining a license or certificate has  
23                  ~~been obtained~~ by fraud, deceit, or misrepresentation, whether  
24                  knowingly or unknowingly practiced on the board;.

25                  "(4) When the holder of a license or certificate is  
26                  suffering from a contagious or infectious disease;.

1                   "(5) Gross incompetency, willful or wanton negligence  
2 or repeated negligence in the practice of podiatry;.

3                   "(6) Intemperance in the use of intoxicating liquors  
4 or narcotics to such an extent as to unfit the holder of the  
5 license for the proper practice of podiatry;.

6                   "(7) Failure to renew his or her license and pay any  
7 penalty as prescribed ~~herein;~~ in this article.

8                   "(8) Failure to comply with continuing education  
9 requirements prescribed ~~herein;~~ in this article.

10                  "(9) Violating any rule or regulation promulgated by  
11 the ~~Board of Podiatry;~~ —or board.

12                  "(10) Disciplinary action taken by another state  
13 based upon acts by a licensee similar to acts described in  
14 this section which results in suspension or revocation of a  
15 license or certificate to practice podiatry in another state.

16 A certified copy of the record of the disciplinary action of  
17 the state taking such an action shall be conclusive evidence  
18 thereof.

19 "(11) Sexual misconduct including, but not limited  
20 to, any or all of the following:

21                   "a. Engaging in or soliciting a consensual or  
22 nonconsensual sexual relationship when a podiatric-patient  
23 relationship exists.

24                   "b. Making sexual advances, requesting sexual  
25 favours, and engaging in other verbal conduct or physical  
26 contact of a sexual nature with a patient.

1                   "c. Intentionally viewing a completely or partially  
2                   disrobed patient in the course of treatment if the viewing is  
3                   not related to patient diagnosis or treatment according to  
4                   current practice standards.

5                   "(b) Whenever charges are preferred against any  
6                   holder of a license, the board shall fix a time and place for  
7                   the hearing of the same, and a copy of the charges, ~~which must~~  
8                   ~~be made~~ in writing, and verified by oath, together with a  
9                   notice of the time and place ~~where they will be heard and~~  
10                  ~~determined~~ of hearing, shall be served upon the accused at  
11                  least 10 days before the date fixed for ~~said~~ the hearing. When  
12                  personal service cannot be effected, the board shall cause to  
13                  be published at least 30 days prior to the date set for the  
14                  hearing, in a newspaper published in the county in which the  
15                  accused was last known to practice, a notice to the effect  
16                  that at a definite time and place a hearing will be held by  
17                  the board on charges preferred against ~~said~~ the person. The  
18                  board may issue subpoenas and compel the attendance of  
19                  witnesses and the production of all necessary papers, books  
20                  and records, documentary evidence and materials, or other  
21                  evidence;—~~the~~. The accused shall have the right to be  
22                  confronted by the person or persons preferring ~~said~~ the  
23                  charges, to cross-examine the witnesses against him or her, to  
24                  be represented by counsel, and to have the testimony taken  
25                  down by a stenographer,—~~but the~~. The expense of counsel and  
26                  stenographer, either or both, shall be borne by the accused.  
27                  Witnesses at hearings before the board shall testify under

1 oath and may be sworn by any member of the board. ~~In all cases~~  
2 of suspension or revocation of licenses ~~as here i n~~ provided  
3 ~~for, — the holder may appeal~~ Any person disciplined pursuant to  
4 this section may appeal the action to the circuit court, or  
5 other court of like jurisdiction, in the county in which the  
6 person ~~whose license or certificate is ordered revoked~~  
7 resides.

8 "(c) Members of the Board of Podiatry or the members  
9 of any committee of podiatrists impaneled by the board, making  
10 any report, or rendering any opinion, or supplying any  
11 evidence or information, or offering any testimony to the  
12 board in connection with a disciplinary investigation or  
13 action as authorized in this article shall be immune from suit  
14 for any conduct in the course of their official duties with  
15 respect to such investigations, actions, or hearings."

16 Section 2. All laws or parts of laws which conflict  
17 with this act, and specifically Sections 34-24-232, 34-24-234,  
18 34-24-254, 34-24-256, and 34-24-257, Code of Alabama 1975, are  
19 repealed.

20 Section 3. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.



## Administrative Services Contract

Contract Review Permanent Legislative Oversight Committee  
Alabama State House  
Montgomery, Alabama 36130

### CONTRACT REVIEW REPORT

(separate review report required for each contract)

Name of State Agency: Board of Podiatry  
Name of Contractor: Warren & Company, Inc.  
610 S. McDonough Street Montgomery AL 36104  
Contractor's Physical Street Address City ST  
(No P.O. Box)  
Is Contractor Registered with Alabama Secretary of State to do Business as a Corporation in  
Alabama? YES X NO \_\_\_\_\_ If Yes, in what State is Contractor  
Incorporated? Alabama  
Is Act 2001-955 Disclosure Form Included with this Contract? YES X NO \_\_\_\_\_  
Was a Lobbyist/Consultant Used to Secure this Contract? YES \_\_\_\_\_ NO X  
If Yes, Give Name: \_\_\_\_\_  
Contract Number: C534242301  
Contract/Amendment Total: \$ 60,000 (estimate if necessary)  
% State Funds: \_\_\_\_\_ % Federal Funds: \_\_\_\_\_ % Other Funds: 100  
\*\*Please Specify Sources of Other Funds (Fees, Grants, etc.): License Fees  
Date Contract Effective: 1/1/2005 Date Contract Ends: 12/30/2006  
Type Contract: NEW: \_\_\_\_\_ RENEWAL: \_\_\_\_\_ AMENDMENT: X  
If AMENDMENT, Complete A through C:  
(A) Original contract total \$ \$60,000  
(B) Amended total prior to this amendment \$ same  
(C) Amended total after this amendment \$ same  
Was Contract Secured through Bid Process? YES \_\_\_\_\_ NO X  
Was Contract Secured through RFP Process? YES X NO \_\_\_\_\_  
Summary of Contract Services to be Provided: This contract amendment is to correct the  
ending date from 2007 to 2006, to delete the financial language regarding the State  
Comptroller's Office (checkbook agency) and delete the section that contractor will provide  
accounting services.  
Why Contract Necessary: This contract is necessary for the Board to maintain a reduced  
administrative cost.

I certify that the above information is correct.

Signature of Agency Head

Mark S. Veres, Chair

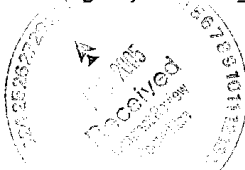
Printed Name

Agency Contact: Mark S. Veres Phone: 334-269-9990

Signature of Contractor

Keith E. Warren

Printed Name





Contract Review Permanent Legislative Oversight Committee  
Alabama State House  
Montgomery, Alabama 36130

**CONTRACT REVIEW REPORT**

(Separate review report required for each contract)

Name of State Agency: Board of Podiatry  
Name of Contractor: Warren & Co., Inc.  
610 S. McDonough St. Montgomery AZ  
Contractor's Physical Street Address (No P.O. Box) City ST

Is Contractor Registered with Alabama Secretary of State to do Business as a Corporation in Alabama?  
YES X NO \_\_\_\_\_ If Yes, in what State is Contractor Incorporated? \_\_\_\_\_

Is Act 2001-955 Disclosure Form Included with this Contract? YES X NO \_\_\_\_\_  
Was a Lobbyist/Consultant Used to Secure this Contract? YES \_\_\_\_\_ NO X

If Yes, Give Name: \_\_\_\_\_

Contract Number: 534242301

Contract/Amendment Total: \$ 60,000 (estimate if necessary)

% State Funds: 100 % Federal Funds: \_\_\_\_\_ % Other Funds: \_\_\_\_\_ \*\*

\*\*Please Specify Source of Other Funds (Fees, Grants, etc.) \_\_\_\_\_

Date Contract Effective: 11/1/05 Date Contract Ends: 12/30/07

Type Contract: NEW: X RENEWAL: \_\_\_\_\_ AMENDMENT: \_\_\_\_\_  
If Renewal, was it originally Bid? Yes \_\_\_\_\_ No \_\_\_\_\_

IF AMENDMENT, Complete A through C:

(A) Original contract total \$ \_\_\_\_\_

(B) Amended total prior to this amendment \$ \_\_\_\_\_

(C) Amended total after this amendment \$ \_\_\_\_\_

Was Contract Secured through Bid Process? YES \_\_\_\_\_ NO \_\_\_\_\_ Was lowest Bid accepted? Yes \_\_\_\_\_ No \_\_\_\_\_

Was Contract Secured through RFP Process? YES X NO \_\_\_\_\_

Summary of Contract Services to be Provided: The contractor is to provide services for executive officer, administrative, clerical, accounting, office facilities and office equipment.

Why Contract Necessary AND why this service cannot be performed by merit employee: The agency is very small and cannot justify fulltime merit employee, benefits and a full-time office facility

I certify that the above information is correct.

Signature of Agency Head  
Mark S. Veres  
Printed Name

Signature of Contractor  
Keith E. Warren  
Printed Name

Agency Contact: Mark Veres

Phone: 334-272-0880



# State of Alabama Disclosure Statement

(Required by Act 2001-955)

ENTITY COMPLETING FORM

Warren & Co., Inc.

ADDRESS

610 S. Mc Donough St.

CITY, STATE, ZIP

Montgomery AL 36104

TELEPHONE NUMBER

(334) 269-9950

STATE AGENCY/DEPARTMENT THAT WILL RECEIVE GOODS, SERVICES, OR IS RESPONSIBLE FOR GRANT AWARD

Board of Pediatrics

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

( )

This form is provided with:

☒ Contract

☐ Proposal

☐ Request for Proposal

☐ Invitation to Bid

☐ Grant Proposal

Have you or any of your partners, divisions, or any related business units previously performed work or provided goods to any State Agency/Department in the current or last fiscal year?

☒ Yes

☐ No

If yes, identify below the State Agency/Department that received the goods or services, the type(s) of goods or services previously provided, and the amount received for the provision of such goods or services.

STATE AGENCY/DEPARTMENT	TYPE OF GOODS SERVICES	AMOUNT RECEIVED
Please See Attached		

Have you or any of your partners, divisions, or any related business units previously applied and received any grants from any State Agency/Department in the current or last fiscal year?

☐ Yes

☒ No

If yes, identify the State Agency/Department that awarded the grant, the date such grant was awarded, and the amount of the grant.

STATE AGENCY/DEPARTMENT	DATE GRANT AWARDED	AMOUNT OF GRANT
-------------------------	--------------------	-----------------

1. List below the name(s) and address(es) of all public officials/public employees with whom you, members of your immediate family, or any of your employees have a family relationship and who may directly personally benefit financially from the proposed transaction. Identify the State Department/Agency for which the public officials/public employees work. (Attach additional sheets if necessary.)

NAME OF PUBLIC OFFICIAL/EMPLOYEE	ADDRESS	STATE DEPARTMENT/AGENCY
N/A		

OVER

2. List below the name(s) and address(es) of all family members of public officials/public employees with whom you, members of your immediate family, or any of your employees have a family relationship and who may directly personally benefit financially from the proposed transaction. Identify the public officials/public employees and State Department/Agency for which the public officials/public employees work. (Attach additional sheets if necessary.)

NAME OF FAMILY MEMBER	ADDRESS	NAME OF PUBLIC OFFICIAL/ PUBLIC EMPLOYEE	STATE DEPARTMENT/ AGENCY WHERE EMPLOYED
-----------------------	---------	---	--

N/A

If you identified individuals in items one and/or two above, describe in detail below the direct financial benefit to be gained by the public officials, public employees, and/or their family members as the result of the contract, proposal, request for proposal, invitation to bid, or grant proposal. (Attach additional sheets if necessary.)

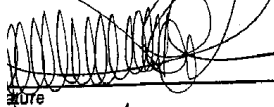
Describe in detail below any indirect financial benefits to be gained by any public official, public employee, and/or family members of the public official or public employee as the result of the contract, proposal, request for proposal, invitation to bid, or grant proposal. (Attach additional sheets if necessary.)

List below the name(s) and address(es) of all paid consultants and/or lobbyists utilized to obtain the contract, proposal, request for proposal, invitation to bid, or grant proposal:

NAME OF PAID CONSULTANT/LOBBYIST	ADDRESS
----------------------------------	---------

N/A

By signing below, I certify under oath and penalty of perjury that all statements on or attached to this form are true and correct to the best of my knowledge. I further understand that a civil penalty of ten percent (10%) of the amount of the transaction, not to exceed \$10,000.00, is applied for knowingly providing incorrect or misleading information.



12/14/04  
Date

Arwen Freeman  
My Signature

12/14/04  
Date

ARWEN FREEMAN  
Notary Public, Alabama State At Large  
My Commission Expires Sept. 8, 2008  
Date Notary Expires

101-955 requires the disclosure statement to be completed and filed with all proposals, bids, contracts, or grant proposals to the State of Alabama in excess of \$5,000.

Board of Examiners in Marriage & Family Therapy	\$22,500
Board of Home Medical Equipment Services Provdrs.	\$31,701
Board of Auctioneers	\$63,000
Board of Electrical Contractors	\$162,500
Board of Massage Therapy	\$66,000
Board of Licensure for Professional Geologists	\$48,000
Drycleaning Environmental Response Trust Board	\$32,500

The Board of Examiners in Marriage & Family Therapy and Board of Home Medical Equipment Service Providers are no longer clients of this firm.

**Contract #534242301 Amendment Page 4**

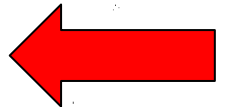
It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this contract shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this contract, be enacted, then the conflicting provision in the contract shall be deemed null and void. The contractor's sole remedy for the settlement of any and all disputes arising under the terms of this agreement shall be limited to the filing of a claim with the Board of Adjustment for the State of Alabama.

IN WITNESS WHEREOF the parties hereto have amended this Memorandum of Understanding on this 22<sup>th</sup> day of July, 2005 .

administrative facilities and office space. The full annual payment of Thirty Thousand (\$30,000) Dollars shall be paid monthly in twelve payments on or before the last day of each month of each year that this agreement is in effect. The total contract amount shall not exceed Thirty Thousand (\$30,000) Dollars annually nor Sixty Thousand (\$60,000) over the term of the contract.

The Consultant agrees that in consideration of the terms, conditions and stipulations herein contained on the promises herein made, to act as administrative officer of the Board. The Consultant will supervise the day to day operations of the Board. The Consultant will act as its recording and corresponding secretary and will have custody of and shall safeguard and keep in good order all property and records of the Board; cause written minutes of every meeting of the Board to be kept in the Book of Minutes of this Board; act as Treasurer and receive and deposit all funds to the credit of the "Board of Podiatry Fund" in the State Treasury or an account designated by the Board of Podiatry; ~~sign all bills before requesting State Comptroller to make payment of any accounts;~~ and such others as may be mutually agreed upon by the Board and Consultant. The Consultant will provide for such clerical, secretarial, and accounting duties as follows, and such others as may be mutually agreed upon:

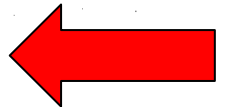
- A. Process and handle all applications for taking the test for Board of Podiatry that are given by the Board.
- B. Notify interested persons as to the date and time that the above test will be administered.



- C. To maintain a file on all current candidates for the Board of Podiatry exam and on all present license holders.
- D. Carry on all general correspondence and correspondence concerning the Rules and Regulations of the Board.
- E. Provide office space for the Board.
- F. Provide secretarial and clerical assistance for the Board.
- G. ~~To handle any general accounting necessary to the duties of the Board.~~ To handle any accounting services assigned by the Board.
- H. Supervise the issuance of licenses and collection of fees therefore.
- I. Set the dates and arrange, program and coordinate all meetings (after consulting with the Chair) of the Board.
- J. Arranging Board meetings and agendas under the direction of the Chair and the keeping of minutes for such meetings.

The Consultant further agrees as follows:

1. To furnish office facilities which are necessary to conduct general administrative affairs for the Board in accordance with State law and regulations.



The Board agrees to pay to the Consultant, in accordance with the terms of this agreement, the amount of the monthly payment for which it is billed. In the event this agreement is terminated as herein provided or for any cause, the Board shall pay to the Consultant only such amount as is due at the time of such termination.

**Contract #534242301 Amendment Page 4**

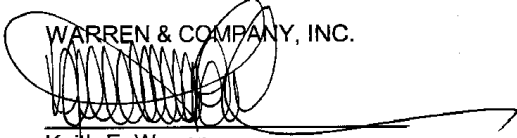
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IN WITNESS WHEREOF the parties hereto have amended this Memorandum of Understanding on this 22<sup>th</sup> day of July, 2005 .




APPROVED BY:

WARREN & COMPANY, INC.

  
Keith E. Warren  
President

STATE BOARD OF PODIATRY

  
Mark Veres, DPM  
Chair

APPROVED BY:

GOVERNOR OF ALABAMA

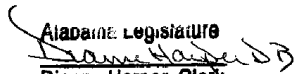
  
Bob Riley  
Governor

ALABAMA LEGISLATIVE  
CONTRACT REVIEW  
OVERSIGHT COMMITTEE

\_\_\_\_\_  
Approved

Reviewed by Contract  
Review Committee

SEP 8 2005

  
Alabama Legislature  
Dianne Harper, Clerk

## **Board Members**

### **Alabama State Board of Podiatry Board Members**

**Dr. Patricia M. Antero, President**  
215 Hargrove Rd East  
Tuscaloosa, AL 35401  
Office: 205-758-8809  
Fax: 205-458-8870  
Email: [pantero@bellsouth.net](mailto:pantero@bellsouth.net)  
Caucasian Female  
Term: 5/12/04 - 3/25/09  
Appointed by: Gov. Riley

**Dr. Darron M. Barrus,**  
Secretary/Treasurer  
P.O. Box 1698  
Alabaster, AL 35007-1698  
Office: 205-663-3224  
Fax: 205-664-0502  
Email: [dbarrus1@aol.com](mailto:dbarrus1@aol.com)  
Caucasian Male  
Term: 5/12/04 - 3/25/09  
Appointed by: Gov. Riley

**Dr. Mark Veres**  
4152-B Carmichael Road  
Montgomery, AL 36106  
Office: 334-272-0080  
Fax: 334-279-2001  
Caucasian Male  
Term: 7/19/02 - 3/25/07  
Appointed by: Gov. Siegelman

**Dr. John Calcaterra**  
1009 Montgomery Hwy.  
Birmingham, AL 35216  
Office: 205-871-8228  
Fax: 205-871-8128  
Email: [JCHDFXDO1@aol.com](mailto:JCHDFXDO1@aol.com)  
Caucasian Male  
Term: 8/2/00 - 3/25/05  
Appointed by Gov. Siegelman

**Dr. James H. Morgan, Vice-President**  
705 North Bishop Lane  
Mobile, AL 36608  
Office: 251-343-5971  
Fax: 205-933-5250  
Email: [jaydebbie@bellsouth.net](mailto:jaydebbie@bellsouth.net)  
Caucasian Male  
Term: 5/21/04 - 5/25/09  
Appointed by: Gov. Riley

**Dr. Tara Blasingame**  
P.O. Box 6487  
Huntsville, AL 35824  
Office: 256-772-8566  
Fax: 256-772-0676  
Email: [blasingame@aol.com](mailto:blasingame@aol.com)  
African American Female  
Term: 8/03 - 3/25/08  
Appointed by: Gov. Riley

**Dr. Robert I. Russell**  
1717 11<sup>th</sup> Avenue South, Ste 402  
Birmingham, AL 35205  
Office: 205-933-9595  
Fax: 205-933-5250  
Email: [jaydebbie@bellsouth.net](mailto:jaydebbie@bellsouth.net)  
Caucasian Male  
Term: 8/28/01 - 3/25/06  
Appointed by: Gov. Siegelman

## **Agency Response to Significant Items**

## *Alabama State Board of Podiatry*

610 S. McDonough Street Montgomery, Alabama 36104  
Telephone: (334) 269-9990 Fax: (334) 263-6115



June 8, 2007

John Norris  
Director, Operational Division  
State of Alabama  
Department of Examiners of Public Accounts  
Post Office Box 302251  
Montgomery, AL 36130-2251

Dear Mr. Norris:

Attached are responses to each of the significant items identified by the Department of Public Accounts submitted in the Department's letter dated May 31, 2008. The State Board of Podiatry understands these significant items will appear in the Department's report to the Sunset Committee. We hope that this response provides sufficient information. Thank you for your assistance and cooperation in this matter.

Sincerely,

Keith E. Warren  
*Executive Director*

## **Responses to Significant Items**

### **1. Contract Discrepancies**

#### **Administrative Services Contract & Legal Services Contract**

Response: The expiration of the Administrative Services contract was a complete oversight on both Warren & Company, Inc. and the Board. This matter is being handled and a new contract will be approved and in place as quickly as possible. The Board has mailed out request for proposals to review and approve at its July 20, 2007 Board meeting. The approved contract will then be sent to the Contract Review Committee and the Governor's Office for required signatures. The overpayment of paralegal services provided by the Board's Attorney was also an oversight. The billing rate for other contracts between other agencies and the Attorney were at the \$45.00 however, the contract rate for the Board of Podiatry was \$35.00. This amount was quickly reimbursed by the Attorney.

### **2. The terms of three of the board's seven members have expired on 3/25/05, 3/25/06, and 3/25/07.**

Response: On May 15, 2007, Governor Riley appointed Dr. Steve Grunfeld and Dr. Eric Fillinger to replace Dr. Robert Russell and Dr. John Calcetera. This now only leaves Dr. Mark Veres who expired on March 25, 2007. The Board has forwarded a recommendation to the Governor's Office for this appointment.

### **3. The board's offices were closed April 6, 2007 in observance of Good Friday, which was not a state holiday.**

Response: Warren & Company, Inc. has observed Good Friday as a holiday since its inception in 1997. This matter will be addressed and corrected in the future.

### **4. The board by administrative rule set quorum requirements which are not in accord with its enabling statutes.**

Response: The Board has completed the administrative rule making procedures in order to correct this matter through the Legislative Reference Service.

### **5. The board has an administrative rule requiring United States citizenship for its licensees which may be unconstitutional and does not conform to the podiatric licensing law.**

Response: This rule change will be placed on the Board's July 20, 2007 meeting agenda.

### **6. The board submitted HB216 in the 2007 session sponsored by Representative Sanderford which would have made the following amendments to the podiatry licensing law.**

Response: The Board will continue to introduce this legislation until it is successfully passed by the Legislature. These changes are needed to eliminate

antiquated provisions and make other additional changes to ensure the efficient operation of the Board.

### **Status of Prior Findings**

**1. Lag times for deposits of fees were sometimes excessive, unnecessarily increasing the risk of loss or misuse of state funds.**

Response: Lag times have decreased however, continue to exist. The staff will strive to continue to decrease these lag times regarding deposits.

**2. In the previous review, we found that all of the board's records were not being maintained at the offices of Warren & Co., Inc., as required by the board's contract with Warren & Company, Inc.**

Response: The contract between the Board and Warren & Company, Inc. was amended regarding the accounting duties since the Board's Treasurer has sole responsibility over the disbursement of the Board's funds. The records' regarding complaints was discussed with the Board and it was stated that the legal and complaint records should remain in the custody of the Board's Attorney. Warren & Company will begin retaining copies of all the original documents that are stored at the Board's Attorney's Office.

**3. The Board does not examine or license applicants in the manner prescribed by its enabling statutes.**

Response: The Board has introduced legislation to correct this antiquated process of administered a simple examination for its applicants. The Board has and has for sometime delegated this responsibility to its staff. The Board will continue to introduce legislation to correct this matter.

**4. In a prior review, we found the following deficiencies in the board's operations that indicated it was not as well acquainted as it should be with applicable laws and regulations governing administrative matters.**

**A. The board improperly set licensing and controlled substance fees without regard to the state's Administrative Procedure Act.**

Response: The Board did file the notices of intended actions and certification forms through the Legislative Reference Service to correct this matter. All fees accessed by the Board are now included in the administrative rules and regulations of the Board.

**B. The board's administrative rules provided to licensees and posted on the board's Internet web site were not current.**

Response: The Board Notice of intended action and certification forms through the Legislative Reference Service to correct the addresses listed in the Board's rules and regulations. Notice of intended action to repeal the oral examination Rule 730-X-1-.06 was filed May 21, 2007. This rule change will be on the Agenda at the Board's July 20, 2007, meeting for final approval and certification.

**C. Incorrect application of travel law continues.**

Response: The Board has been advised of the per diem rates and all travel reimbursement forms will be reviewed by the executive director and the treasurer before approved and payment is issued. The overpayment was reimbursed to the Board.

**D. Discrepancies in the accuracy and completeness of records were found in the previous examination and continued in the current examination.**

Response: The executive director and the treasurer have discussed an account system that can be utilized by both parties. The treasurer does have possession of the checking account and receives all statements. After each month when the treasurer as reconciled the account, this information is forwarded to the Board's Office and paper files are generated for each month and stored. The treasurer will develop an accounting system and books of accounts for all future financial transactions of the Board.